



Advancing Human Rights

A Targeted Tool for Human Rights Advocacy
in the United States

Acknowledgments

This report was written by Salimah Hankins.

We thank Balthazar Ishmael Beckett
for design, editing, and photographs
and for contributing materials on Standing Rock.

We further thank the following individuals for
the research that informed this report:

Laura Christy (*Environmental and Climate Justice*),

Katie Mulkowsky (*Food, Water, and Sanitation*),

James Tourkistas (*Housing*),

Bethany Adam and Laura Christy (*Immigration*),

Alyson Eller (*Criminal Justice and Mass Incarceration*),

Alex Glomset (*Life and Security*),

and Farah Ahmad (*Voting Rights*).

Additional research provided by Aditi Patel and Lin Kong.

Additional thanks goes to Lisa Crooms and Jess St. Louis for
their editing support.

Cover image:

Mural on Georgia Ave. in Washington, D.C.

by Joel Bergner (joelartista.com).

We also thank and the staff of the US Human Rights Net-
work's Coordinating Center for their continued dedication and
hard work, and for helping inform the content of the report.

We are grateful to our supporters and donors.



© 2016 US Human Rights Network

All rights reserved

250 Georgia Avenue SE, Suite 330, Atlanta, GA 30312

Telephone: 404-588-9761 | Fax: 404-588-9761

Email: info@ushrnetwork.org

www.ushrnetwork.org

facebook

twitter



Note to the Readers

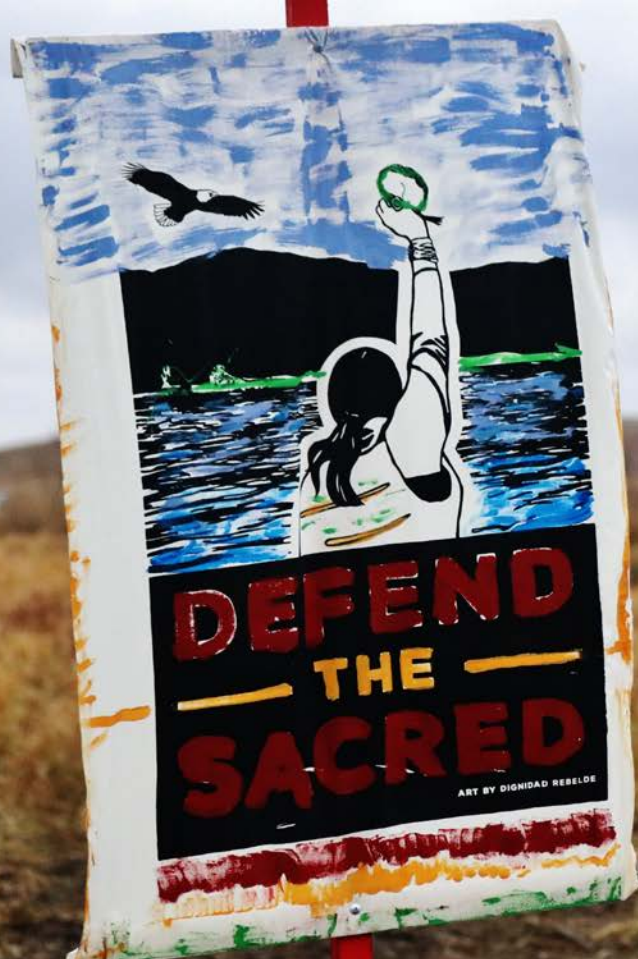
The US Human Rights Network (USHRN) is pleased to release a targeted and brief report on a few, key human rights issues. In the past, USHRN has produced either a comprehensive annual report, or a report card, but those reports will now be produced every other year. This year, we have decided to produce a distinctly different report, which, does not contain all of the human rights issue-areas that we've previously listed. Instead, this report takes a more strategic approach by selecting a handful of issue-areas to spotlight. This year, USHRN conducted evaluations to determine the types of reports that would be most useful to our members and allies. What we found was while most advocates knew what was happening on the ground in their issue-area, they did not typically know either the human rights laws associated with their issues or what the various human rights bodies had specifically said about their issue. Finally, even when armed with this information, many were unclear about who their human rights targets should be. Armed with this information, we structured the report in the following way:

1. We first point advocates to the relevant human rights law.
2. We then enumerated a targeted list of demands.
3. We then outline feedback that the U.S. government has received from human rights bodies.
4. We then list some suggestions on who the targets of this information should be.
5. Finally, we lay out some issue areas in which international human rights law has potentially been violated.

We hope that this report will serve as a useful tool for a robust and growing people-centered human rights movement. We look forward to hearing your feedback, and thank you for your critical part in the human rights movement.

Table of Contents

Human Right to Water, Sanitation, and a Clean Environment	1
Political Human Rights (Right to Vote and Dissent)	8
Human Rights of Migrants	18
Human Right to Housing	25
Human Right to Life, Security of Person and Access to Justice	33
About US Human Rights Network	43
Endnotes	44



Water protectors at the
Oceti Sakowin Camp in
November 2016

Water, Sanitation, and a Clean Environment

The close link between access to clean water and race was displayed throughout the Flint, Michigan water crisis—when an emergency manager, appointed by Gov. Rick Snyder, channeled corrosive river water into Flint’s old lead-lined water pipes, causing a health emergency when children tested positive for elevated levels of lead.¹ NAACP President Cornell William Brooks drew a direct connection between Flint’s socioeconomic factors and the toxic drinking water: “Environmental Racism + Indifference = Lead in the Water & Blood,” he tweeted.² Concerns about safe access to clean water also inspired the ongoing protests at the Standing Rock Sioux Reservation, where the Indigenous Water Protectors and their allies are concerned that the proposed Dakota Access Pipeline could poison their drinking water and pollute their sacred land if it were

to rupture and spill—which is a serious risk, given the well-documented history of pipeline leaks in the U.S.³

Human rights mechanisms are an important tool that many activists around the world use to protect and ensure their right to water, sanitation, and a clean environment. We hope that this information will be a useful tool for advocates in the United States to assert their human rights at the federal, state, and local levels.

SPECIFIC HUMAN RIGHTS

The United States is a member of the United Nations and was a leader in creating the Universal Declaration of Human Rights (UDHR)—the first global expression of the rights to which all human beings are inherently entitled—which was signed in 1948.

For some human rights experts and advocates, the UDHR has the status of customary international law, which, they argue, makes at least some of the articles legally-binding in the United States.¹ For others, the UDHR is the foundation of international law that has given rise to legally-binding international human rights treaties—making them binding on the United States at the federal, state, and local levels.¹ A few of these international laws are listed below:

Universal Declaration of Human Rights (UDHR), Article 25

Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family.⁴

Treaties the U.S. has Signed and Ratified⁵

Regarding the right to water, sanitation, and a clean environment, the United States has signed and ratified two treaties: the International Covenant on Civil and Political Rights (ICCPR)⁶, and the Convention on the Elimination of Racial Discrimination (CERD)⁷. When the United States has ratified treaties, it has done so with Reservations, Understandings, and Declarations (RUDs)—attempting to exempt itself from certain obligations with which countries are normally expected to comply. The United States also claims that these treaties are not self-executing, meaning that additional legislation is needed for the treaty to take effect.⁸ Despite these challenges, domestic human rights advocates have continued to push for the United States to meet its treaty obligations at the federal, state, and local levels.⁹

ICCPR, Article 25

“Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in Article 2¹⁰ and without unreasonable restrictions...[to] vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors...”¹¹

CERD, Article 5

“States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, color, or national or ethnic origin, to equality before the law, notably in the enjoyment of ... [e]conomic, social and cultural rights.”¹²

Additional human rights are listed in the endnotes.¹³

HUMAN RIGHTS DEMANDS

Civil society in the United States, made up of grassroots groups, advocates, and human rights experts, have articulated the following targeted list of human rights demands regarding the right water, sanitation, and a clean environment:

1. Stop the Dakota Access Pipeline and respect the water and land rights of all Indigenous nations.¹⁴
2. Order an immediate moratorium on extractive and agricultural industry operations that contaminate current or potential drinking water resources.¹⁵
3. The EPA must enforce the Civil Rights Act and eliminate harmful disparities experienced by communities of color and ethnic minorities, people with disabilities, and women.¹⁶
4. The EPA should use environmental law to institute a moratorium on hydraulic fracking.¹⁷
5. Order an immediate moratorium on water shutoffs for lack of ability to pay and provide funding to guarantee affordable drinking water.¹⁸
6. Ensure support to sanitation systems for rural communities.¹⁹
7. Provide targeted government programs to low-income populations and communities of color that will guarantee the right to healthy and affordable food.²⁰



HUMAN RIGHTS TOOLS

The United States has been evaluated on its fulfillment of its domestic human rights obligations and commitments under the Universal Declaration of Human Rights and the treaties that the United States has signed and ratified. In some cases, the United Nations has sent Special Rapporteurs—independent experts appointed by the Human Rights Council—to examine and report back on specific human rights themes or the condition of certain vulnerable groups.²¹ These evaluations (in the form of Special Rapporteur Reports, Concluding Observations, and Universal Periodic Review Recommendations), provide an opening for human rights advocates to hold the United States government at all levels, accountable for its failure to uphold and protect the human rights of those within its borders. A few of the most recent evaluations are below:

- In August, 2016, the UN Working Group of Experts of People of African Descent released its final report on its visit to the United States. The reports states, “the African American people are also concerned that they are disproportionately exposed to environmental hazards that impact on their health and standard of living. They are often forced to live in disadvantaged areas with hazardous environments (e.g. in proximity to industrial toxicity, power stations, flood zones and so on) and without access to social and commercial facilities. The most polluting industrial facilities, across a range of sectors from farming and mining to manufacturing, are more likely to be situated in poor and minority neighborhoods, including those of people of

African descent. For instance, the Working Group is concerned about the possible health risks to African Americans on account of the incinerator project in Curtis Bay, Baltimore and the lead-contaminated water in Flint, Michigan.”²²

- The UN Committee on the Elimination of Racial Discrimination said that the United States should “clean up any remaining radioactive and toxic waste throughout the State party as a matter of urgency, paying particular attention to areas inhabited by racial and ethnic minorities and indigenous peoples that have been neglected to date.”²³
- Regarding the ICCPR review, the Human Rights Committee said that the United States should “adopt measures to effectively protect sacred areas of Indigenous Peoples against desecration, contamination and destruction and ensure that consultations are held with the indigenous communities that might be adversely affected... obtaining their free, prior and informed consent for proposed project activities.”²⁴
- It also said that the United States should “identify and address gaps in data that evaluates access to clean and sanitized water, particularly in marginalized communities.”²⁵
- After visiting the United States, the Special Rapporteur on the Human Right to Water and Sanitation recommended that the government “restore water connections and stop all water shutoffs and the federal government should look into the shutoffs and see if there is a disproportionate effect on people of color.”²⁶

AGENTS TO TARGET

Regarding the human right to water, sanitation and a clean environment, human rights advocates can use the human rights tools listed above to put pressure on federal, state, and local governmental actors. Human rights advocates have found that providing evidence of international support for their position has been helpful in bringing awareness to their issues and in applying political pressure domestically to the following entities:

- Environmental Protection Agency
- State Environmental Agencies
- Department of Housing and Urban Development
- City departments of water and sanitation.
- City and local housing authorities.
- State and local legislators
- Corporations who pollute.
- Agencies that provide permits for extractive operations.
- U.S. Army Corps of Engineers

There is a close link between access to clean water and race which was displayed throughout the Flint, Michigan water crisis.



African Americans are disproportionately exposed to environmental hazards that impact their health and standard of living..

HUMAN RIGHTS ISSUES

Water and Sanitation

In 2015, the U.S. Army Corps of Engineers (USACE), which is responsible for the nation's waters, attempted to fast-track a permit for the construction of a leg of the 3.7bn Dakota Access Pipeline near Cannon Ball, North Dakota, by either bypassing local tribal councils or by ignoring their request for a full archeological inquiry. As a response, in April of 2016, about two hundred Native American activists from several tribes took a stand against the proposed pipeline that is intended to carry fracked crude oil under the Missouri River. After the Army Corps issued a fast-track permit on July 25, the Standing Rock Lakota Sioux Nation filed a law suit on July 27, 2016, saying that a potential spill would threaten the drinking water of millions and that the pipeline threatens sacred tribal land and sites of historical significance and is in violation of the National Historic Preservation Act (Section 106). On September 3, while still waiting for a court hearing on the case, Dakota Access Pipeline construction crews plowed a two-mile-long, 150-foot-wide corridor through what the Standing Rock Sioux testified was sacred tribal burial grounds. After a federal district appeals court refused to grant an injunction on October 9, the Departments of Justice, the Interior, and Army issued a joint statement refusing to authorize construction permits and requesting Energy Transfer Partners (ETP) to halt construction, which the corporation refused to do.²⁷ On December 4, the Army Corps of Engineers finally decided not to grant ETP a permit to drill underneath the Missouri River, thus bringing the pipeline's construction to a halt.²⁸



As of December 2, 2016, the outgoing Obama administration had yet to issue a definitive policy to protect the ancestral grounds and water rights of the Standing Rock Lakota Sioux, while president-elect Donald Trump, who until recently held a stake in ETP, is seen as unlikely to lend his ear to indigenous needs.²⁹

Several major American cities—Los Angeles; Houston; Washington, DC; Atlanta; and Miami; among others—are currently at risk of water shortage.³⁰ Research has proven that those most affected by water shortages are vulnerable populations — a phenomenon academically referred to as the “Climate Gap.” These populations include racial and ethnic minorities, Indigenous communities, and those of low income communities.³¹

Climate Change

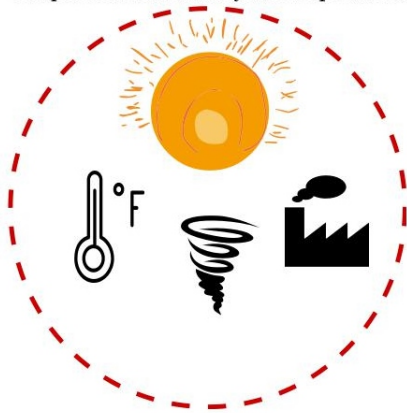
According the United Nation and many other renown international institutions, 2016 will be the hottest year on record. Figures by the World Meteorological Or-

ganisation show that the global temperature is now 1.2 °C above pre-industrial levels and will set a new high for the third year running.

This means that 16 of the 17 hottest years on record will have been this century.³² Events of extreme weather in the United States in 2016 included flooding in West Virginia and the mid-Atlantic in June that killed 23 people and damaged more than 5,500 buildings, flooding in Louisiana in August that killed 13 people and caused around \$15 billion in damage, and a long heat wave coupled with high humidity that afflicted the U.S. South and East. As a result of the latter event, Savannah, Georgia, had 69 straight days when the temperature hit 90 °F or higher. Over twenty tornados hit Indiana and Ohio on a single day—August 24.³³ In fact, the summer of 2016 was one of the hottest on record—localities in the United States broke nearly 15,000 daily records for hot nighttime minimum temperatures from May into September.³⁴

As the Environmental Protection Agency has noted, “[p]eople who live in poverty [...] have limited financial resources to cope with heat, relocate or evacuate, or respond to increases in the cost of food.”³⁵ In addition, Indigenous tribes are particularly likely to be impacted by changes in the climate. “Climate change will make it harder for tribes to access safe and nutritious food, including traditional foods important to many tribes’ cultural practices. Many tribes already lack access to safe drinking water and wastewater treatment in their communities. Climate change is expected to increase health risks associated with water quality problems like contamination and may reduce availability of water, particularly during droughts.”³⁶

The summer of 2016 was one of the hottest on record—localities in the United States broke nearly 15,000 daily records for hot nighttime minimum temperatures from May into September.



We are seeing more frequent extreme weather events.

The United Nations’ Intergovernmental Panel on Climate Change (IPCC) estimates that the “business as usual” approach to using large amounts of fossil fuels would put the Earth at risk of an average temperature rise of 2.6°C to 4.8°C above pre-industrial levels by 2100—triggering catastrophic climate change. Responding to the November elections, leading scientists predict that a Trump presidency signals “Game Over” for the Earth’s climate.³⁷

Food Security

According to a 2015 report by the US Department of Agriculture and Economic Research Service, 5% of US households (6.3 million households) had “very low” food security in 2015—a decrease from the same report’s 5.6% assessment in 2014. What needs to be added, however, is that the prevalence of food insecurity varied considerably from state to state—estimates ranged from 8.5% in North Dakota to 20.8% in Mississippi.³⁸ For households with incomes near or below the Federal Poverty Line, households with children headed by single women or single men, women and men living alone, and Black- and Hispanic-headed households, rates of food insecurity were found to be substantially higher than the national average. 22.4% of Hispanic households and 26.1% of African-American households were food-insecure in 2014. Communities of color tend to experience higher levels of poverty and hunger than the general population.³⁹ Children were food insecure in 7.8% of U.S. households with children (3.0 million households)—a figure that also decreased from the 2014 assessment of 9.4%. Research shows that hunger and poverty are definitively correlated—in 2016, more than 20% (1 in 5) of children in the US live at risk of hunger, and more than 1 in 5 children are living in poverty.⁴⁰ According to Oxfam, poverty is the leading cause of hunger. In addition, 23.5 million people in the United States live in low-income neighborhoods located more than one mile from a supermarket. African Americans are half as likely to have access to chain supermarkets and Hispanics are a third less likely to have access to chain supermarkets. Area-specific studies have found that minority communities are more likely to have smaller grocery stores carrying higher priced, less varied food products than other neighborhoods.⁴¹



Political Human Rights (Right to Vote and Dissent)

In the wake of unprecedented vitriol on the campaign trail by then-Republican nominee Donald Trump, his efforts to recruit poll watchers, and the Supreme Court's invalidation of key parts of the Voting Rights Act in 2013, it is understandable, yet still jarring, that Donald Trump succeeded in securing the Presidency of the United States. His election sparked large scale demonstrations across the country with tens of thousands of people marching in protest in at least 25 cities across the country.¹

Human rights mechanisms are an important tool that many activists around the world use to protect and ensure their political rights, of which the right to dissent and vote are only a few. We hope that this information will provide a useful tool for advocates in the United States to assert their political rights at the federal, state, and local levels.

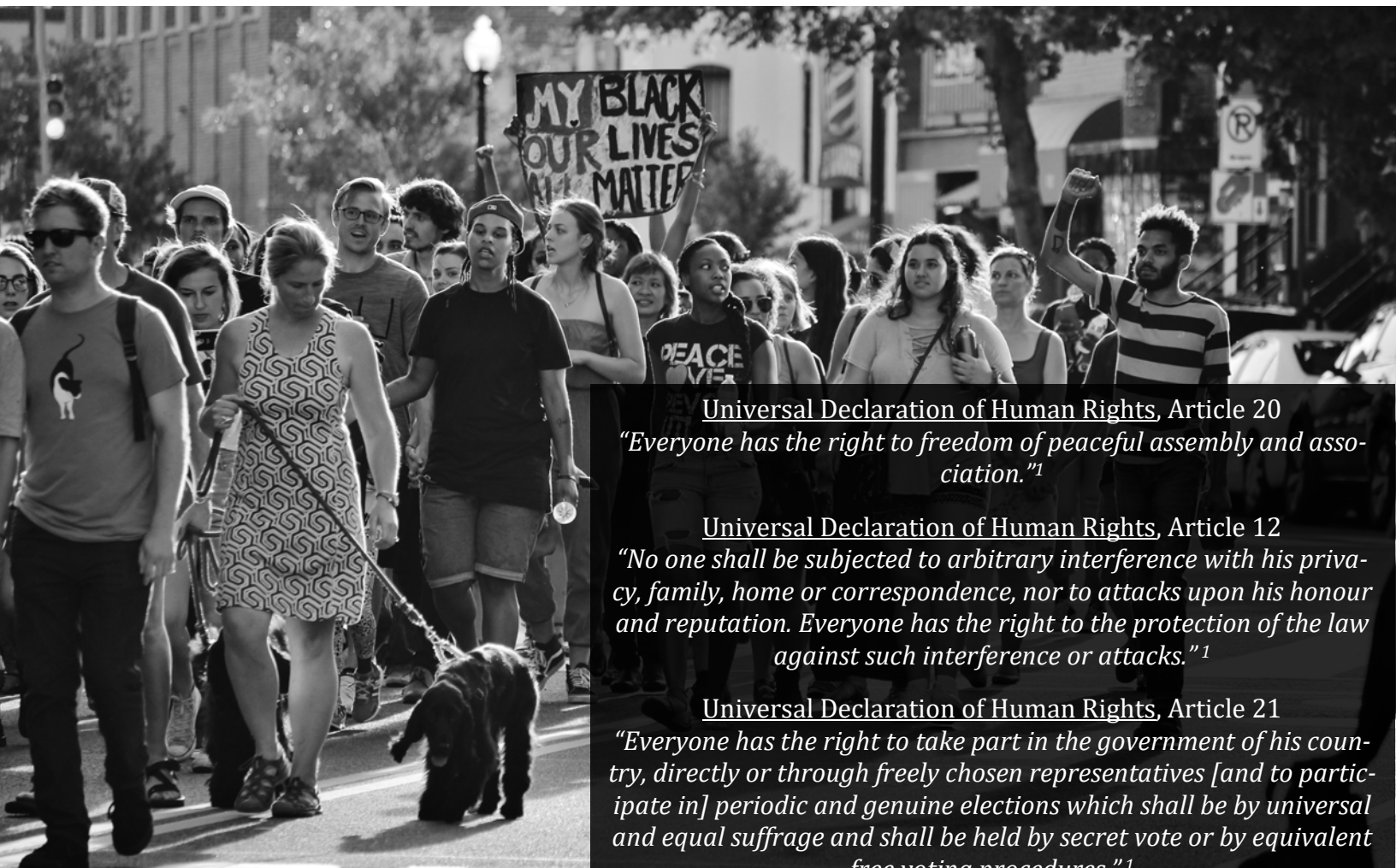
The federal government and the NYPD spied on Black Lives Matter and other activists after the uprisings caused by the killing of Michael Brown.



SPECIFIC HUMAN RIGHTS

The international human right of individuals and groups to peacefully protest and express their dissent, individually and collectively, “involves a number of internationally-protected rights, including rights to freedom of expression, opinion and belief; freedom of association and peaceful assembly; the right to participate in public affairs; bodily integrity, which includes the right to security, the right to be free from cruel, inhuman or degrading treatment or punishment, and the right to life; dignity; privacy; and an effective remedy for all human rights violations. States have an obligation to ensure all persons enjoy these fundamental rights equally and without discrimination of any kind.”²

The United States is a member of the United Nations and was a leader in creating the Universal Declaration of Human Rights (UDHR)—the first global expression of the rights to which all human beings are inherently entitled—which was signed in 1948. For some human rights experts and advocates, the UDHR has the status of customary international law, which, they argue, makes at least some of the articles legally-binding in the United States.³ For others, the UDHR is the foundation of international law that has given rise to legally-binding international human rights treaties—making them binding on the United States at the federal, state, and local levels.⁴ A few of these international laws are listed below:



Universal Declaration of Human Rights, Article 20

“Everyone has the right to freedom of peaceful assembly and association.”¹

Universal Declaration of Human Rights, Article 12

“No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.”¹

Universal Declaration of Human Rights, Article 21

“Everyone has the right to take part in the government of his country, directly or through freely chosen representatives [and to participate in] periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.”¹

Treaties the U.S. has Signed & Ratified⁵

Regarding the right to vote and dissent, the United States signed the Convention on the Rights of Persons with Disabilities in 2009, however, since then, it has failed to ratify it. Under international law, “countries that sign a treaty are obligated to refrain from actions that would defeat the ‘object and purpose’ of that treaty, even before ratification.”⁶ The United States has, however, signed and ratified two treaties: the International Covenant on Civil and Political Rights (ICCPR),⁷ and the Convention on the Elimination of Racial Discrimination (CERD).⁸ When the United States has ratified treaties, it has done so with Reservations, Understandings, and Declarations (RUDs)—attempting to exempt itself from certain obligations with which countries are normally expected to comply. The United States also claims that these treaties are not self-executing, meaning that additional legislation is needed for the treaty to take effect.⁹ Despite these challenges, domestic human rights advocates have continued to push for the United States to meet its treaty obligations at the federal, state, and local levels.¹⁰

ICCPR, Article 19

“everyone shall have the right to hold opinions without interference [and] everyone shall have the right to freedom of expression...”¹¹

ICCPR, Article 25

“Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in Article 2¹² and without unreasonable restrictions...[to] vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors...”¹³

ICCPR, Article 21

“The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others.”¹⁴

CERD, Article 5

“States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of [...] political rights, in particular the right to participate in elections—to vote and to stand for election—on the basis of universal and equal suffrage...” Further, CERD guarantees “the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights: (viii) The right to freedom of opinion and expression; (ix) The right to freedom of peaceful assembly and association.”¹⁵

Additional human rights are listed in the endnotes.¹⁶

In addition to this, the US has signed and ratified the International Covenant on Civil and Political Rights (ICCPR) and subsequent international and regional treaties, clearly establishes an obligation for countries to hold genuine elections. (see above)

HUMAN RIGHTS DEMANDS

U.S civil society, made up of grassroots groups, advocates, and human rights experts have articulated the following list of human rights demands regarding political human rights:

1. Uphold the right to dissent as an individual and as a group.
2. Uphold the right to peacefully assemble, to express opinions and to participate in public affairs.
3. Restore and strengthen the Voting Rights Act, so that Section 5 pre-clearance can be implemented as soon as possible.¹⁷
4. Promote the Voter Registration Modernization plan that seeks to “automatically register every American to vote when they come of age.”¹⁸
5. Expand early voting and allow online and same-day voter registration.¹⁹
6. Ensure that all polling places have language assistance provided to limited-English proficient voters.²⁰
7. Ensure that all polling places are accessible for people with disabilities.²¹
8. Do away with all adult voter disenfranchisement (particularly affecting those who have been convicted of a felony).²²



HUMAN RIGHTS TOOLS

The United States has been evaluated on its fulfillment of its domestic human rights obligations and commitments under the Universal Declaration of Human Rights and the treaties that the United States has signed and ratified. In some cases, the United Nations has sent Special Rapporteurs—-independent experts appointed by the Human Rights Council—to examine and report back on specific human rights themes or the condition of certain vulnerable groups.²³ These evaluations (in the form of Special Rapporteur Reports, Concluding Observations, and Universal Periodic Review Recommendations), provide an opening for human rights advocates to hold the United States government at all levels, accountable for its failure to uphold and protect the human rights of those within its borders. A few of the most recent evaluations are below:

- The UN Human Rights Council's draft report of the Universal Periodic Review Working Group recommends that the U.S. "investigate in a transparent manner all cases of human rights violations against protesters."²⁴
- In August, 2016, the UN Working Group of Experts of People of African Descent released its final report on its visit to the United States. It expressed concern that "that voter ID laws with increased identification requirements and limits on early voting and registration in several states served to discriminate against minorities such as African Americans, contrary to the spirit of the Voting Rights Act of 1965" [and it] "calls upon the Government to ensure that all states repeal laws that restrict voting rights. In particular, it

urges reinstatement of the voting rights of persons convicted of a felony who have completed their sentences."²⁵

- In July 2016, the UN Special Rapporteur on Freedom of Association and Assembly said, "It is manifestly unwise to respond to a largely peaceful, grieving crowd with riot gear, random arrests, flimsy charges, rough physical handling, verbal insults and so forth. This is not only a violation of the right to peaceful assembly, it also dangerous for participants, the general public and police officers."
- "The so-called "War on Drugs" is a perfect example. From it, one out of every 15 black men is in currently jail. One out of every 13 African-Americans, meanwhile, has lost their right to vote due to a felony conviction..."
- The UN Committee on the Elimination of Racial Discrimination said that the United States should "remove the obstacles "faced by individuals belonging to racial and ethnic minorities and Indigenous Peoples to effectively exercise their right to vote, due inter alia to restrictive voter identification laws, district gerrymandering, and state-level felon disenfranchisement laws."
- Regarding the ICCPR review, the Human Rights Committee said that the United States should "take all necessary measures to ensure that "voter identification requirements and the new eligibility requirements do not impose excessive burdens on voters and result in de facto disenfranchisement."

AGENTS TO TARGET

Regarding the right to vote and to dissent, human rights advocates can use the human rights tools listed above to put pressure on federal, state, and local governmental actors. Human rights advocates have found that providing evidence of international support for their position has been helpful in bringing awareness to their issues and in applying political pressure domestically to the following entities:

- Federal Election Commission ²⁶
- Attorney General of each State/ Secretary of State ²⁷
- State Boards of Elections
- Congress
- State and local legislators
- Law Enforcement

HUMAN RIGHTS ISSUES

Dissent, Surveillance, & Excessive Force

On September 3, 2016, amongst growing resistance of water protectors, led by the Standing Rock Lakota Sioux Nation, to the construction of the Dakota Access Pipeline under the Missouri river, members of a private security firm hired by Energy Transfer Partners unleashed dogs onto peaceful water protectors—with numerous individuals suffering bites. Increased resistance to the pipeline’s construction during the subsequent weeks led to hundreds of arrests, during which police, as *The Guardian* reported, “crowded [water protectors] into vans, wrote numbers on their arms to track them, conducted invasive body searches and showed a lack of respect for native culture.”²⁸ One activist, Chemehuevi member Caro Gonzales, detailed how she was detained in what resembled a “dog kennel” and denied medical attention despite the fact that numerous activists “were all crying in pain.”²⁹ Apart from American Indians, journalists were especially targeted by police brutality. These events triggered an investigation of likely human rights violations by representatives of the International Indian Treaty Council.



Law enforcement from at least six other states have been involved in October assaults in on a water protector camp at Standing Rock.

On the morning of November 21, 2016, an American Indian elder holds a beanbag that was shot at protestors on a bridge near the Oceti Sakowin Camp during the previous night. The guardrail in the background is smeared with blood.



On November 20, police and state troopers doused with water hundreds of peaceful water protectors for hours in freezing temperatures, shot dozens of tear gas canisters into the crowd, injured numerous protestors by targeting their heads and upper bodies with rubber bullets, hit a 21-year old woman with a concussion grenade that caused massive damage to her arm, and further used sound cannons and chemical sprays. Overall, 300 water protectors were reported injured, while twenty-six were hospitalized with injuries ranging from severe bone fractures to hypothermia. The ACLU of North Dakota condemned what they observed was “a blatant disregard for the safety and humanity of unarmed protesters.”³⁰ The ACLU further noted that the use of water cannons was reminiscent of crowd-control measures in Nazi Germany and in

the American South during the Civil Rights Movement.

Targeting peaceful protestors with water cannons, the ACLU detailed, can lead to hypothermia and frostbite, “traumatic or internal injuries from the force of the water stream,” and “indirect injuries from the blunt force of water cannons include forced falls and slipping.”³¹ Following these events, the United Nations’ Permanent Forum on Indigenous Issues investigated the police’s conduct for human rights violations, calling for “³²the full implementation of the UN Declaration on the Rights of Indigenous Peoples and respect for the civil and political rights of indigenous peoples” lamenting “the viciousness that is being demonstrated by enforcement officials against indigenous peoples.”³³

As we noted in our 2014 report, Black people in this country have endured very intimate state intrusions. The 1960s and 70s in the United States constituted the COINTELPRO era—a secret FBI program designed to monitor and ‘neutralize’ domestic groups deemed by the FBI to be a danger to national security. Such targets included antiwar groups and civil rights groups as well as individuals. The FBI infiltrated black power groups, American Indian Movements and the Brown Berets, resulting in jailed dissidents and the blackmailing of Dr. Martin Luther King, Jr.³⁴

Current movements in the United States have seen a resurgence of COINTELPRO-like infiltration and surveillance. Human rights attorneys “filed a lawsuit against the Federal Bureau of Investigation and Department of Homeland Security on Thursday for failing to release documents on the agencies’ surveillance of Black Lives Matter protests and activists.”³⁵

The tracking of domestic protest groups and peaceful gatherings “raises questions over whether DHS is chilling the exercise of First Amendment rights, and over whether the department, created in large part to combat terrorism, has allowed its mission to creep beyond the bounds of useful security activities as its annual budget has grown beyond \$60 billion. The surveillance cataloged in the DHS documents goes back to August of last year, when protests and riots broke out in Ferguson the day after the shooting of unarmed black teenager Michael Brown.”³⁶

Following his official visit to the United States in July, 2016, the Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association, in an official statement, said

It was disturbing to learn that assemblies organized by African-Americans are managed differently, with these protests often met with disproportionate force. Indeed, white and Muslim activists that I met acknowledged that black fellow protesters face harsher police encounters in the context of assemblies: police are more likely to be militarized and aggressive; black people are detained longer after arrests; they face more and heavier charges, more intimidation and more disrespect.

It is manifestly unwise to respond to a largely peaceful, grieving crowd with riot gear, random arrests, flimsy charges, rough physical handling, verbal insults and so forth. This is not only a violation of the right to peaceful assembly, it also dangerous for participants, the general public and police officers. Petty charges and high numbers of arrests further chill and undermine the right to peaceful assembly. Many protesters testified of being arrested and charged with offenses such as ‘obstructing traffic’, ‘failure to obey a police officer’ and ‘resisting arrest.’ These charges then appear on protesters’ criminal records, with devastating effects such as job losses, inability to get public housing, and more. Exercising a human right should not cause such domino effects into misery.”³⁷

Voter Intimidation

Over the past three years, “multiple jurisdictions have made it more difficult to cast a ballot. The poll taxes and literacy tests from 50 years ago have been replaced by state voter ID laws, reduced early voting days and hours, the elimination of same-day registration, voter roll purges, and shuttered polling locations—all justified under the guise of battling voter fraud.”³⁸

During the 2016 Presidential Election, elections watchdogs, The Lawyers' Committee for Civil Rights Under Law, received “more than 4,000 calls complaining of voter intimidation and suppression in the first hours after polls opened in the morning on November 8, 2016, election day.”³⁹ They received more than 50,000 calls during early voting, and they estimated that they would receive 175,000 calls by the time polls closed. While some callers were seeking information, about 43% reported problems with polling sites, such as locations that opened late or had equipment that malfunctioned, and roughly 28% reported registration issues, such as discovering that their names had been removed from registration rolls.⁴⁰

More than half of the voter intimidation reports being logged in the entire country came from the battle-ground state of Pennsylvania—where Donald Trump narrowly won 48.8% of the vote to Clinton’s 47.6%.⁴¹ Some voters believed that “poll workers are confused because of the proposed voter ID law that former Republican Gov. Tom Corbett tried to put into place that was struck down by a court in 2013.”⁴²

175,000 calls reporting problems at polling sites during the 2016 elections.



Voter ID and Early Voting

A total of 34 states have laws “requesting or requiring voters to show some form of identification at the polls. Thirty-two of these voter identification laws are in force in 2016.”⁴³ For example, researchers from the University of California, San Diego discovered a “clear and significant impact on turnout among communities of color in states using voter ID laws. The report found that ‘a strict ID law could be expected to depress Latino turnout by 9.3 points, Black turnout by 8.6 points, and Asian American turnout by 12.5 points.’”⁴⁴ This is true, even though in August 2016, a series of court rulings struck down new voting restrictions in North Carolina, Wisconsin, Kansas and Texas.⁴⁵

Early voting allows those who cannot afford to miss work or those who cannot afford to pay for childcare to vote before an upcoming election. The attacks on early voting have had a disproportionate impact on low-income individuals, and communities of color.⁴⁶ Sunday voting (the Souls to the Polls initiatives—where African-American churches encourage members to vote) has been particularly essential in places like North Carolina where 72% of African American voters cast their ballot early.⁴⁷

Access to the Polls

In 2016, the number people with disabilities who are eligible to vote surpassed the number of eligible Black and Latino voters.⁴⁸ In 2016, there are 62.7 million eligible voters who either have a disability or have a household member with a disability, more than one-fourth of the total electorate.⁴⁹ The biggest obstacle to voters with disabilities, nationwide is a lack of expertise of poll workers and election

officials “on what disability and access actually means to the entire disability community.”⁵⁰ Further, other obstacles include inaccessible location or inaccessible or unusable equipment, and an inability to physically get to the polling place because of inadequate public transportation.⁵¹ A final barrier was the treatment of people with intellectual, developmental (IDD), and psychological disabilities (PD). While the trend in the rest of the world has been to move away from provisions that disenfranchise people with IDD or PD, “more than half of U.S. states still have such provisions in their constitutions. Some states also disenfranchise person placed under guardianship. There is no evidence that such measures are reasonable or called for and as they stand, they constitute overt and systemic discrimination.”⁵²

Many language minorities face discrimination when attempting to exercise their right to vote. Citizens who are not fluent in English “have difficulty understanding complex voting materials and procedures and are often denied needed assistance at the polls”⁵³ Lack of language assistance/language access at the polls have had a disproportionate impact on Asian Americans, Latinos, and other language minorities—who are generally voters who are immigrants.⁵⁴

Citizenship checks also have a racially discriminatory effect on Americans’ ability to cast ballots and participate in democratic processes. Americans of color are disproportionately likely to lack the kinds of documents accepted as proof of citizenship.⁵⁵ Citizenship checks largely focus scrutiny on the “only group of Americans likely to have been previously identified in government databases as noncitizens: naturalized citizens.”⁵⁶

Voter Disenfranchisement

Gerrymandering occurs “when political parties redraw district boundaries to give themselves an electoral advantage.”⁵⁷ A few of the many districts accused of engaging in some form of Gerrymandering, which includes malapportionment (when a few districts contain a larger percentage of the population to limit vote strength—Montana), Cracking (when a district is broken up to prevent minority group from electing their candidate of choice—Arizona, Virginia, and Wisconsin), Packing (when voters of color are concentrated in one or as few districts as possible—Louisiana and Wisconsin),⁵⁸ and Prison-Based Gerrymandering (when state and local governments count incarcerated persons as residents of the areas where they are housed when election district lines are drawn.).⁵⁹

On the one hand, those in prison are overrepresented for the purposes of using their presence to increase the voting power of those in the district where the prisoners are located. On the other hand, in most states, due to disenfranchisements, those who have been convicted of a felony, and who have served their sentences, are stripped of their right to vote. States should follow the example of Virginia Governor Terry McAuliffe who, after the Virginia Supreme Court ruled that he could not restore voting rights en masse, because restoring and registering 13,000 people with felony convictions one-by-one.⁶⁰



Human Rights of Migrants

The ascension of Donald Trump to the U.S. Presidency has left many undocumented people and those who live in mixed-status families, in fear of mass deportation and separation.¹ Further, even immigrants, refugees, and visa-holders who are lawfully present in the United States fear that their existence is the United States precarious and may be short-lived. For undocumented immigrants, their futures have taken a startling turn, from the promise of immigration reform under Hillary Clinton to the threat of deportation under Trump.”² Approximately 700,000 immigrants benefiting from President Obama’s immigration policies, but Trump has threatened to end such programs.³ In cities with large immigrant populations, activists are scrambling to provide information for immigrants to assist them in protecting themselves from deportation. A few days after the election, Donald Trump reiterated his plans “to deport as many as 3 million people once he accedes to the Oval Office, and that fencing will form part of his promised wall on the border with Mexico.”⁴

Further, the recently floated idea to replicate the interment of World War II Japanese Americans by instituting a Muslim Registry and internment of Muslim Americans place Muslim Americans in a precarious and dangerous position.⁵ However, the condition of immigrants under the Obama Administration, has also been precarious and include the use of private prisons to house immigration detainees, the poor treatment of unaccompanied minors from Central America, and the poor treatment of pregnant immigrant—including shackling them during childbirth.

Human rights law is an important tool that many activists around the world use to protect and ensure their rights. We hope that this information will provide a useful tool for advocates in the United States to assert their human rights at the federal, state, and local levels. Hispanics are a third less likely to have access to chain supermarkets. Area-specific studies have found that minority communities are more likely to have smaller grocery stores carrying higher priced, less varied food products than other neighborhoods.⁶

SPECIFIC HUMAN RIGHTS

Irrespective of who is in power at a moment in history, the United States is a member of the United Nations and was a leader in creating the Universal Declaration of Human Rights (UDHR)—the first global expression of the rights to which all human beings are inherently entitled—which was signed in 1948.

For some human rights experts and advocates, the UDHR has the status of customary international law, which, they argue, makes at least some of the articles legally-binding in the United States.⁷ For others, the UDHR is the foundation of international law that has given rise to legally-binding international human rights treaties—making them binding on the United States at the federal, state, and local levels.⁸ A few of these international laws are listed below:

Universal Declaration of Human Rights Articles 1, 4, 6, 7, 8, 9, 23, and 25

“All human beings are born free and equal in dignity and rights. No one shall be held in slavery or servitude; Everyone has the right to recognition everywhere as a person before the law. All are equal before the law and are entitled without any discrimination to equal protection of the law. Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law. No one shall be subjected to arbitrary arrest, detention or exile. Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.”¹

Treaties the U.S. has Signed and Ratified⁹

The rights of migrant workers was codified in binding treaty law in the International Convention on Migrant Workers in 2003, though the United States has failed to ratify it.¹⁰ The United States has, however, signed and ratified three treaties: the International Covenant on Civil and Political Rights (ICCPR) in 1992¹¹, the Convention on the Elimination of Racial Discrimination (CERD) in 1994¹² and the Convention Against Torture in 1994.¹³ All of these treaties include protections for those who have migrated to the United States whether they are undocumented, refugees, visa-holders, or lawful permanent residents. When the United States has ratified treaties, it has done so with Reservations, Understandings, and Declarations (RUDs)—attempting to exempt itself from certain obligations with which countries are normally expected to comply. The United States also claims that these treaties are not self-executing, meaning that additional legislation is needed for the treaty to take effect.¹⁴ Despite these challenges, domestic human rights advocates have continued to push for the United States to meet its treaty obligations at the federal, state, and local levels.¹⁵





CERD, Article 5

*"States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of [...] the right to equal treatment before the tribunals and all other organs administering justice."*¹⁶

CAT, Article 3

*"No State Party shall expel, return ("refouler") or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture."*¹⁷

ICCPR, Article 12 grants the right of freedom of movement to foreigners provided they are lawfully present in a country. This said, the Human Rights Committee has made clear in General Comment No. 15 that all foreigners may enjoy the protection of the Covenant, including in relation to entry and residence, when issues of discrimination, inhuman treatment, or respect for family life arise.²²

Additional human rights are listed in the endnotes.²³

HUMAN RIGHTS DEMANDS

U.S civil society, made up of grassroots groups, advocates, and human rights experts have articulated the following list of targeted human rights demands regarding the human rights of migrants:

1. Cities, university and school campuses should move to become Sanctuary Cities/Campuses to protect undocumented immigrants from aggressive federal immigration enforcement.¹⁸
2. Immediately close all family detention centers and end the practice of family detention.¹⁹
3. End all deportations. (#Not1More)²⁰
4. Immediately release all transgender detainees because of the failure to address "sexual abuse, torture in solitary confinement, lack of access to crucially necessary medical care, and degrading and dehumanizing abuse that transgender immigrants face in immigration detention centers."²¹
5. End Operation Streamline, which requires the federal criminal prosecution and imprisonment of all people who cross the United States-Mexico border without authorization and draconian, rapid-fire, mass trials of individuals hundreds of individuals at a time.²⁴
6. End the Priority Enforcement Program (which replaced the Secure Communities Program), which essentially turns state and local law enforcement into immigration agents.²⁵
7. U.S. authorities should immediately release migrant families detained after entering the U.S. seeking asylum.²⁶
8. Pass comprehensive immigration reform with a path to citizenship to protect undocumented immigrants from human rights abuses.²⁷
9. Ratify the UN Convention on the Rights of All Migrant Workers and Members of Their Families.²⁸

HUMAN RIGHTS TOOLS

The United States has been evaluated on its fulfillment of its domestic human rights obligations and commitments under the Universal Declaration of Human Rights and the treaties that the United States has signed and ratified. In some cases, the United Nations has sent Special Rapporteurs—independent experts appointed by the Human Rights Council—to examine and report back on specific human rights themes or the condition of certain vulnerable groups.²⁹ These evaluations (in the form of Special Rapporteur Reports, Concluding Observations, and Universal Periodic Review Recommendations), provide an opening for human rights advocates to hold the United States government at all levels, accountable for its failure to uphold and protect the human rights of those within its borders. A few of the most recent evaluations are below:

- In May of 2016, the Committee on the Elimination of Racial Discrimination sent a follow-up letter to the U.S. Government. In it, the Committee calls upon the United States “to ensure that the rights of non-citizens are fully guaranteed in law and in practice, including [by] [a]bolishing “Operation Streamline” and dealing with any breaches of immigration law through civil, rather than criminal immigration system.”³⁰
- The Committee also recommended that the United States undertake “thorough and individualized assessments for decisions concerning detention and deportation and guaranteeing access to legal representation in all immigration-related matters.”³¹
- In October of 2016, the Working Group on Arbitrary Detention said in its Preliminary Findings from its visit to the United States, “Mandatory detention of migrants, especially asylum-seekers, is against international law standards, and detention should be the result of individual assessment and the reasons for detention duly notified to the migrant and given the opportunity to challenge the detention while the detention should remain reasonable in term of its length. The view of the Working Group is that mandatory detention should be abolished.”³²
- In April of 2016, the UN Working Group on Discrimination Against Women, in its final report, expressed its concern “at the situation of the estimated 2.5 million domestic workers in the United States. According to the National Domestic Workers Alliance, the overwhelming number of them are women, frequently immigrant women, many of whom are undocumented.”³³
- In its Draft Report, the Working Group on the Universal Periodic Review advised the United States should “halt the detention of immigrant families and children, seek alternatives to detention and end use of detention for reason of deterrence.”³⁴

AGENTS TO TARGET

Regarding the human rights of migrants, human rights advocates can use the human rights tools listed above to put pressure on federal, state, and local governmental actors. Human rights advocates have found that providing evidence of international support for their position has been helpful in bringing awareness to their issues and in applying political pressure domestically to the following entities:

- U.S. Cities
- Universities and Schools
- The President of the United States
- The United States Attorney General and Secretary for the Department of Homeland Security ³⁵
- U.S. Citizenship and Immigration Services (USCIS)
- Customs and Border Protection
- Congress

1 out of **5**

**confirmed sexual assaults in
immigration detention centers
are against trans women**

Advocates are pushing cities, universities and schools to become sanctuary cities and campuses to protect undocumented immigrants from aggressive federal immigration enforcement.



HUMAN RIGHTS ISSUES

Blocking of DAPA

In June 2016, the Supreme Court deadlocked in a case that challenged President Obama's immigration plan, which would have shielded roughly five million undocumented immigrants from deportation and allow them to legally work in the United States. A federal district court issued an order to block the initiatives while the case proceeded. An appeals court affirmed the ruling and stated that the program exceeded the President's authority. Then the Supreme Court's 4-4 deadlock affirmed the decision. ³⁶ The deadlocked Court is a consequence of Senate Republicans' refusal to consider Judge Merrick Garland, President Obama's nominate to fill the current Supreme Court vacancy.³⁷

Just shy of half of the nation's undocumented immigrant population (approx. 11 million) could have potentially benefited from Deferred Action for Parents of Americans and Lawful Permanent Residents (DAPA) and Deferred Action for Childhood Arrivals (DACA).³⁸ 3.6 million unauthorized immigrants are eligible for DAPA, 275,000 are eligible for expanded DACA, and 1.2 million are eligible for existing DACA.³⁹



Immigration raids by U.S. immigration officials in January 2016 resulted in the detention of 121 people, mostly women and children.

Immigration Raids and Detentions

Raids by U.S. immigration officials in January 2016 resulted in the detention of 121 people, mostly women and children.⁴⁰ The January operation was meant as a shift from U.S. Immigration, and Customs Enforcement (ICE's) previous individual deportations to high-profile raids, meant to deter people without documents from migrating and in response to a surge of undocumented women and children from Central American. From Oct. 2015-March 2016, U.S. Border Patrol apprehended over 32,000 family units (moth-

ers and children traveling together) traveling without documents into the United States.⁴¹

Black immigrants who are out of status "are being detained and overrepresented in immigration detention despite their small numbers in the larger population."⁴² This mirrors the similar type of overrepresentation of African Americans in the criminal justice system.⁴³ The United States has a long history of "targeting Haitian migrants in its immigration policy and practice, in a wide range of issues including detention and removal procedures, legislation concerning status adjustment and naturalization for various groups of immigrants, and the disparate application of temporary protections for refugees."

While transgender women only make up "1 out of 500 detained immigrants in this country, they make up a horrific 1 out of every 5 confirmed sexual assaults in immigration detention. As described in a recent report by Fusion, 'an ICE detention officer in Arizona forced a trans woman to take her shirt off, while he ejaculated into a styrofoam cup and demanded that she drink his semen. He admitted to the abuse and served two days in county jail, while the victim remained in ICE detention for another five months awaiting her asylum hearing — in a cell with men.'" ⁴⁴

According to Human Rights Watch, the indefinite detention of asylum-seeking mothers and their children in the U.S. takes a severe psychological toll.⁴⁵ The Obama Administration was required to propose a plan in response to a federal judge's preliminary ruling that family detention violates a binding settlement on the rights of migrant mothers and the Human Rights Watch stated that U.S. au-

thorities should immediately release migrant families detained after entering the U.S. seeking asylum.⁴⁶

Syrian Refugees

Though they lack the legal authority to do so, governors of several states including, including Georgia, issued orders to state departments to not provide any services to Syrian refugees.⁴⁷ Over half a dozen state governors came out against President Obama's plans to relocate thousands of Syrian refugees within the United States and some of them pledged to actively resist. Though it is unlikely under a Trump Administration, the president has statutory authorization to accept foreign refugees into the U.S., under the Refugee Act of 1980, who face "persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion" especially if they determine that an "unforeseen emergency refugee situation" such as the Syrian refugee crisis exists.⁴⁸

Immigration Reform

DAPA and DACA are merely stop gap measures, enacted in the absence of Congressional reform of immigration laws. Polling shows that a majority of Americans support a "path to citizenship," nevertheless, conservative Republicans in Congress have obstructed immigration reform for over a decade.⁴⁹ Since Donald Trump was elected, fear and uncertainty leaves immigration reform supporters trying to figure out how to proceed next. Trump has promised to eliminate President Obama's DACA program, which allowed more than 700,000 people temporary work authorization and allowed them to live without constant fear of deportation. Further, those who utilize(d) President Obama's immigration reform initiatives are now well known by the government as undocumented immigrants, which creates the fear that a Trump administration will use that information to target these individuals for deportation.⁵⁰





Human Right to Housing

Many housing advocates are trying to determine what a Trump Presidency can mean for the future of progressive housing policy in the U.S. Fair Housing “never surfaced as a definitive issue of the 2016 presidential election. But on January 20, President Trump will become responsible for enforcing the same fair-housing rules of which he once ran afoul as a developer who turned away black tenants.”¹ Many housing advocates are shifting their focus to state and local organizing and legal efforts to address displacement and the affordable housing crisis generally while vowing to continue to apply pressure at the federal level.

According to the recently released Right to Housing Report Card by the National Law Center on Homelessness & Poverty, “human rights law requires that countries take progressive steps to respect, protect, and fulfill the right, to the maximum of the country’s available resources, in a non-discriminatory manner.”² Human rights mechanisms are an important tool that many activists around the world use to protect and ensure their right to adequate, safe, clean, and affordable housing. We hope that this information will provide a useful tool for advocates in the United States to assert their human rights at the federal, state, and local levels.

SPECIFIC HUMAN RIGHTS

The United States is a member of the United Nations and was a leader in creating the Universal Declaration of Human Rights (UDHR)—the first global expression of the rights to which all human beings are inherently entitled—which was signed in 1948.

For some human rights experts and advocates, the UDHR has the status of customary international law, which, they argue, makes at least some of the articles legally-binding in the United States.¹ For others, the UDHR is the foundation of international law that has given rise to legally-binding international human rights treaties—making them binding on the United States at the federal, state, and local levels.¹ A few of these international laws are listed below:

Universal Declaration of Human Rights, Article 25

“Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including [...] housing.”³

Per international standards, the human right to housing “consists of seven elements: (1) security of tenure, (2) availability of services, materials, and infrastructure (3) affordability, (4) accessibility, (5) habitability, (6) location, and (7) cultural adequacy.²³ Human rights law requires that countries take progressive steps to respect, protect, and fulfill the right, to the maximum of the country’s available resources, in a non-discriminatory manner.”⁴

Treaties the U.S. has Signed and Ratified⁵

The right to housing was codified in binding treaty law in the International Covenant on Economic, Social and Cultural Rights (ICESCR) in 1966. While the United States signed the ICESCR in 1977, the Senate has never ratified it.⁶ Further, the United States signed the Convention on the Rights of Persons with Disabilities (CRPD) in 2009, but never ratified it.

Under international law, “countries that sign a treaty are obligated to refrain from actions that would defeat the ‘object and purpose’ of that treaty, even before ratification.”⁷ The United States has, however, signed and ratified two treaties: the International Covenant on Civil and Political Rights (ICCPR)⁸, and the Convention on the Elimination of Racial Discrimination (CERD)⁹. Both treaties recognize the right to be free from discrimination, including in housing, on the basis of race, gender, disability, and other statuses. When the United States has ratified treaties, it has done so with Reservations, Understandings, and Declarations (RUDs)—attempting to exempt itself from certain obligations with which countries are normally expected to comply. The United States also claims that these treaties are not self-executing, meaning that additional legislation is needed for the treaty to take effect.¹⁰ Despite these challenges, domestic human rights advocates have continued to push for the United States to meet its treaty obligations at the federal, state, and local levels.¹¹



Mural on Alice Street in Oakland



CERD, Article 3:

“States Parties particularly condemn racial segregation and apartheid and undertake to prevent, prohibit and eradicate all practices of this nature in territories under their jurisdiction.”¹²

ICCPR, Article 16:

“All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.”¹³

ICESCR, Article 11:

“The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent.”¹⁷

Additional human rights are listed in the endnotes.¹⁸

HUMAN RIGHT DEMANDS

U.S civil society, made up of grassroots groups, advocates, and human rights experts have articulated a list the following list of human rights demands regarding the right to housing:

1. Pass rent stabilization and just cause for eviction protections.¹⁴
2. Ensure community control over land by putting in place mechanisms by which communities own land collectively such as community lands trusts.¹⁵
3. Strengthen and expand enforcement and penalties for housing discrimination including based on disability, race, religion, sexual orientation, gender identity, and ethnicity.¹⁶
4. The federal government should increase its investment in housing in order to produce, rehabilitate, and/or subsidize at least 3,500,000 units of housing that is affordable and accessible to the lowest income households in the next ten years.¹⁹
5. State, regional and local jurisdictions should have robust community participation in its Assessment of Fair Housing under the recent Affirmatively Furthering Fair Housing rule.²⁰
6. Pass the Permanently Protecting Tenants at Foreclosure Act (PPTFA), including a private right of action, and vest authority in the Consumer Financial Protection Bureau to regulate and enforce compliance.²¹
7. Expand funding for affordable housing through Section 8 and other subsidies, and funding the National Housing Trust Fund.²²
8. Ensure and fund a right to counsel in all civil cases involving the potential loss of housing.²³

HUMAN RIGHTS TOOLS

The United States has been evaluated on its fulfillment of its domestic human rights obligations and commitments under the Universal Declaration of Human Rights and the treaties that the United States has signed and ratified. In some cases, the United Nations has sent Special Rapporteurs— independent experts appointed by the Human Rights Council—to examine and report back on specific human rights themes or the condition of certain vulnerable groups.²⁴ These evaluations (in the form of Special Rapporteur Reports, Concluding Observations, and Universal Periodic Review Recommendations), provide an opening for human rights advocates to hold the United States government at all levels, accountable for its failure to uphold and protect the human rights of those within its borders. A few of the most recent evaluations are below:

- In August, 2016, the UN Working Group of Experts of People of African Descent released its final report on its visit to the United States. The reports states that “African Americans in many cities are facing a housing crisis, in which people are not able to pay their rents or mortgages, and even less to purchase a new house and are subsequently subject to de facto gentrification”²⁵ The Working Group recommends “upholding the right to adequate standards of living, including adequate [...] housing.”²⁶
- In April 2016, the UN Working Group on Discrimination Against Women, released its final report on its visit to the United States. The reports states that “poverty may result in homelessness which exposes women to higher levels of violence and vulnerability. During the

visit, interlocutors pointed out that victims of domestic violence are often numbered amongst the homeless, either because they have been evicted as a result of the violence or because they have fled from their violent partner. Solutions should include effective protection orders, increased availability of shelters, housing support, prioritizing eligibility particularly for single mother households and those facing heavy unpaid care burdens”²⁷

- The UN Special Rapporteur on Freedom of Assembly and Association commented regarding those experiencing homelessness, “a number of cities have ordinances which prevent homeless people from gathering in certain public places, despite the fact that most have literally nowhere else to go.”²⁸
- The UN Committee on the Elimination of Racial Discrimination said that the United States should “ensure the availability of affordable and adequate housing for all, including by effectively implementing the Affirmatively Furthering Fair Housing requirement by the Department of Housing and Urban Development and across all agencies administering housing programmes.”
- In its Draft Report, the Working Group on the Universal Periodic Review advised the United States to “guarantee the right by all residents in the country to adequate housing, food, health and education, with the aim of decreasing poverty, which affects 48 millions of people in the country.”²⁹

Regarding the ICCPR review, the Human Rights Committee said that the United States should “abolish the laws and policies criminalizing homelessness at the state and local levels.”³⁰

AGENTS TO TARGET

Regarding the human right to housing, human rights advocates can use the human rights tools listed above to put pressure on federal, state, and local governmental actors. Human rights advocates have found that providing evidence of international support for their position has been helpful in bringing awareness to their issues and in applying political pressure domestically to the following entities:

- Department of Housing and Urban Development
- Department of Justice
- Department of Treasury
- U.S. Congress
- US Interagency Council on Homelessness
- State, Regional, and Local Jurisdictions
- City and Local Housing Authorities
- State and Local Legislators
- Governors of Individual States.

11.4 million



The number of families paying more than 50% of their income for housing jumped by 2.1 million to a record 11.4 million. 72% of them, 9.6 million earn less than \$15,000 per year.

HUMAN RIGHTS ISSUES

Displacement, Evictions & Gentrification

According to the Urban Displacement Project, Gentrification, or “the influx of capital and higher-income, more-educated residents into working-class neighborhoods, has already transformed about 10% of [San Francisco] Bay Area neighborhoods [and] Displacement—which occurs when housing or neighborhood conditions actually force moves, is occurring in 48% of Bay Area neighborhoods...”³¹ Communities of color and neighbors with a high percentage of renters are especially at risk.³²

In the San Francisco Bay Area, an unprecedented housing crisis is gripping the region, and the effects of this crisis have been felt particularly acutely in Silicon Valley. As housing prices soar, “many families and other long-time residents have struggled to remain in their communities near their schools, their places of worship, and their neighbors.”³³ A report based on an analysis of 3,145 eviction cases handled by legal services organizations in Silicon Valley, showed that at least 90% of contested Unlawful Detainer (eviction) cases get resolved by agreement before the Court makes any decisions, however, about 86% of cases that settle require the tenant to move out.³⁴ 75% of reported eviction activity in 2014-15 “was either based on No-Cause evictions or because tenants could not afford the rent and the likelihood of being fired or laid off is 11-15% higher for workers who experience eviction.”³⁵ Further the region has seen a trend of speculators buying up large apartment buildings and serving no-cause eviction notices to all of the tenants—who

are generally low-income tenants of color—in order to attract wealthier and less-diverse tech workers.³⁶

According to a report released in 2015, sociologist, Matthew Desmond states that "In 2013, one in eight poor renting families in America could not pay all of their rent, and a similar number thought it was likely they would be evicted soon."³⁷ Milwaukee, a city of roughly 105,000 renter households, sees roughly 16,000 adults and children evicted in an average year. This is equivalent to 16 eviction cases a day. Further, Low-income women, especially black women, are at high risk of eviction.³⁸ Desmond "expected the loss of a job to be a primary driver for an eventual eviction. 'But eviction is a bigger cause of job loss than the other way around.' Evictions, in other words, not only perpetuate existing poverty, but also create new poverty along with a class of displaced urban nomads."³⁹

This displacement of low-income people of color has resulted in resegregation and a "redrawing the geography of the Bay Area. Low-income communities and communities of color are increasingly living at the expanding edges of our region.

In Minnesota, courts see 16 eviction cases per day of eviction



Low-income women, especially black women, are at high risk of eviction.

There, they often struggle to find quality jobs and schools, decent affordable housing and public transportation, adequate social services, and environmentally safe and healthy neighborhoods."⁴⁰



Rent Stabilization and Just Cause for Eviction Protection

Research has consistently shown that rent appreciation predicts displacement. A number of studies also found that government intervention on the housing market through rent stabilization and public housing programs are protective factors limiting the displacement effects of gentrification.⁴¹

For tenants who have been hit with outrageous rent increases, rent stabilization/control would provide relief by limiting the amount that the landlord can increase the rent per year (generally pegged with consumer price index)⁴². Further, for tenants who receive an eviction notice through no fault of their own, “just cause” eviction protections would require landlords to have a good reason for evicting tenants.⁴³

Homelessness

The number of people who have “lost their homes and are living doubled up with family or friends due to economic necessity stood at 7 million people in 2014, a slight decline since 2013, but still 52% higher than before the recession in 2007.”⁴⁴ While the Department of Housing and Urban Development “reported an overall decline of 2 % in homelessness nationally based on a single night’s count in 2015, this count is based on a severely limited and flawed method that almost certainly misses large numbers of homeless people.”⁴⁵

Despite a severe shortage of shelter and affordable housing, “homeless persons are increasingly criminalized for engaging in necessary, life-sustaining activities—like sleeping and sitting—that they often have

no choice but to perform in public spaces. Over the past ten years, laws criminally or civilly punishing camping in public throughout entire cities has increased by 69%. Worse yet, laws prohibiting people from living in their vehicles have increased by 143% since that period.”



**Increase in laws
prohibiting people from
living in their vehicles.**

In 2015, the U.S. government supported, in part, a recommendation from the Human Rights Council to “Guarantee the right by all residents in the country to adequate housing, food, health and education, with the aim of decreasing poverty, which affects 48 millions of people in the country.”⁴⁶ And, “in July, HUD issued its annual application for funding for \$1.9 billion in federal homeless assistance grants, increasing the points awarded to a question requiring applicants to explain “how they are reducing criminalization of homelessness,” and providing new guidance on specific suggested strategies.”

Affordability and Vouchers

In a 2016 study by the Harvard Joint Center for Housing Studies, high demand for rentals has caused decreased availability of housing stock and higher rental prices.⁴⁷ “[R]ental vacancy rates have fallen steadily since 2010, dropping to just 7.1% by the end of 2015. Rents have climbed in response, with the Consumer Price Index for rent on primary residences up 3.6% in nominal terms last year. The median asking rent on new apartments was \$1,381 per month in 2015, well out of reach for the typical renter earning \$35,000 a year.”⁴⁸

A household is considered housing cost-burdened “when 30 percent or more of its monthly gross income is dedicated to housing. People whose housing costs exceed this threshold of affordability are likely to struggle to pay for other basic needs, forcing difficult trade-offs.”⁴⁹ For renters, the number of cost-burdened households “rose by 3.6 million from 2008 to 2014, to 21.3 million. Even more troubling, the number with severe burdens (paying more than 50% of income for housing) jumped by 2.1 million to a record 11.4 million. The severely burdened share among the nation’s 9.6 million lowest-income renters (earning less than \$15,000) is particularly high at 72%.”⁵⁰

Fair Housing and Segregation

In 2015 HUD strengthened its fair housing regulations by issuing a final rule on Affirmatively Furthering Fair Housing. The rule requires state and local governments that receive HUD funds, along with all public housing agencies, to identify patterns of segregation in assisted housing and set priorities for addressing disparities.⁵¹ At the same time, a recent Supreme Court ruling on disparate impacts may help to increase the location of new Low Income Housing Tax Credit (LIHTC) units in higher-opportunity communities.”⁵²

On April 4, 2016, HUD’s office of General Counsel issued guidance on the Fair Housing Acts’ application to criminal records. The General Counsel found restrictions on housing individuals with criminal records have a disparate impact on minorities. The G.C. cited the following: “National statistics provide grounds for HUD to investigate complaints challenging criminal history policies. Nationally, racial and ethnic minorities face disproportionately high rates of arrest and incarceration. For example, in 2013, African Americans were arrested at a rate more than double their proportion of the general population.”⁵³





SPECIFIC HUMAN RIGHTS

The right to live freely and to feel secure in one's person is fundamental to the ability to exercise any other human right. The United States not only has a duty to refrain from violating the right to life, it also has an affirmative duty to protect the lives of those within its borders. Regarding the United States painful history of exploiting, abusing, and killing minority citizens and non-citizens alike, Te-Nehisi Coates notes, "In America, it is traditional to destroy the black body—it is heritage." America also has a tradition of violating the of American Indians, Latinos, and Asian Americans, while violence against women remains wide-spread.

The United States is a member of the United Nations and was a leader in creating the Universal Declaration of Human Rights (UDHR)—the first global expression of the rights to which all human beings are inherently entitled—which was signed in 1948. For some human rights experts and advocates, the UDHR has the status of customary international law, which, they argue, makes at least some of the articles legally-binding in the United States.¹ For others, the UDHR is the foundation of international law that has given rise to legally-binding international human rights treaties—making them binding on the United States at the federal, state, and local levels.² A few of these international laws are listed below:

UDHR, Article 3

Everyone has the right to life, liberty and security of person.³

UDHR, Articles 5, 6, 7, 8, 9, and 10

*"No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. Everyone has the right to recognition everywhere as a person before the law. All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination. Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law. No one shall be subjected to arbitrary arrest, detention or exile. Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him."*⁴

Treaties the U.S. has Signed and Ratified⁵

Regarding the right to life, security, and access to justice, the United States has signed and ratified three treaties: the International Covenant on Civil and Political Rights (ICCPR) in 1992⁶, the Convention on the Elimination of Racial Discrimination (CERD) in 1994⁷ and the Convention Against Torture in 1994.⁸ When the United States has ratified treaties, it has done so with Reservations, Understandings, and Declarations (RUDs)—attempting to exempt itself from certain obligations with which countries are normally expected to comply. The United States also claims that these treaties are not self-executing, meaning that additional legislation is needed for

the treaty to take effect.⁹ Despite these challenges, domestic human rights advocates have continued to push for the United States to meet its treaty obligations at the federal, state, and local levels.¹⁰

ICCPR, Article 6 "every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life."¹¹

CERD, Article 5: "States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of [...] (a) the right to equal treatment before the tribunals and all other organs administering justice; and (b) the right to security of person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual group or institution."

CAT, Most articles of the Convention Against Torture are applicable to the Human Right to Life, Security of Person, and Justice in the United States. Particularly Article 1 which defines torture as "any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity."

HUMAN RIGHTS DEMANDS

U.S civil society, made up of grassroots groups, advocates, and human rights experts have articulated the following list of human rights demands regarding the right to life and security, and regarding the criminal justice system:

1. Take affirmative steps to eradicate gender-based violence with a focus on those communities most impacted (Indigenous, Black, Latina and Transgender women).¹²
2. Abolish the death penalty in the United States.¹³
3. Ensure accountability for police practices and policies, including effective civilian review regarding shootings and allegations of misconduct. ¹⁴
4. End broken windows policing targeting communities of color (including LGBTQ people of color).¹⁵
5. Decriminalize the following activities or de-prioritize their enforcement: consumption of alcohol on streets, disorderly conduct, trespassing, loitering, disturbing the peace, marijuana possession, (including loud playing music), and spitting.¹⁶
6. Abolish or reform mandatory minimum sentencing and extreme sentencing laws.¹⁷
7. Eliminate fines and fees for low-income people, provide indigent defense,¹⁸ allow judges to waive fees for low income people,¹⁹ and improve public defender system.²⁰
8. Join the global movement for the decarceration and subsequent abolition of jails, prisons, youth facilities, and immigration detention centers replacing them with approaches and programs proven to be effective in the United States and globally.²¹
9. End all solitary confinement, including youth and long-term solitary confinement. ²²



Heavily armed police conduct a traffic stop of an American Indian man in Bismarck, North Dakota, for an alleged minor traffic violation. November 2016.

HUMAN RIGHTS TOOLS

The United States has been evaluated on its fulfillment of its domestic human rights obligations and commitments under the Universal Declaration of Human Rights and the treaties that the United States has signed and ratified. In some cases, the United Nations has sent Special Rapporteurs— independent experts appointed by the Human Rights Council—to examine and report back on specific human rights themes or the condition of certain vulnerable groups.²³ These evaluations (in the form of Special Rapporteur Reports, Concluding Observations, and Universal Periodic Review Recommendations), provide an opening for human rights advocates to hold the United States government at all levels, accountable for its failure to uphold and protect the human rights of those within its borders. A few of the most recent evaluations are below:

- In May, 2016, the Committee on the Elimination of Racial Discrimination sent a follow-up letter to the United States government. Regarding police killings, the Committee recommends that the government “intensify its efforts in providing systematic training on the use of non-lethal force, while incorporating the 1990 Basic Principles in all police training.”²⁴
- In July 2016, the UN Special Rapporteur on Freedom of Association and Assembly said, “It is manifestly unwise to respond to a largely peaceful, grieving crowd with riot gear, random arrests, flimsy charges, rough physical handling, verbal insults and so forth. This is not only a violation of the right to peaceful assembly, it also dangerous for participants, the general public and police officers.”²⁵

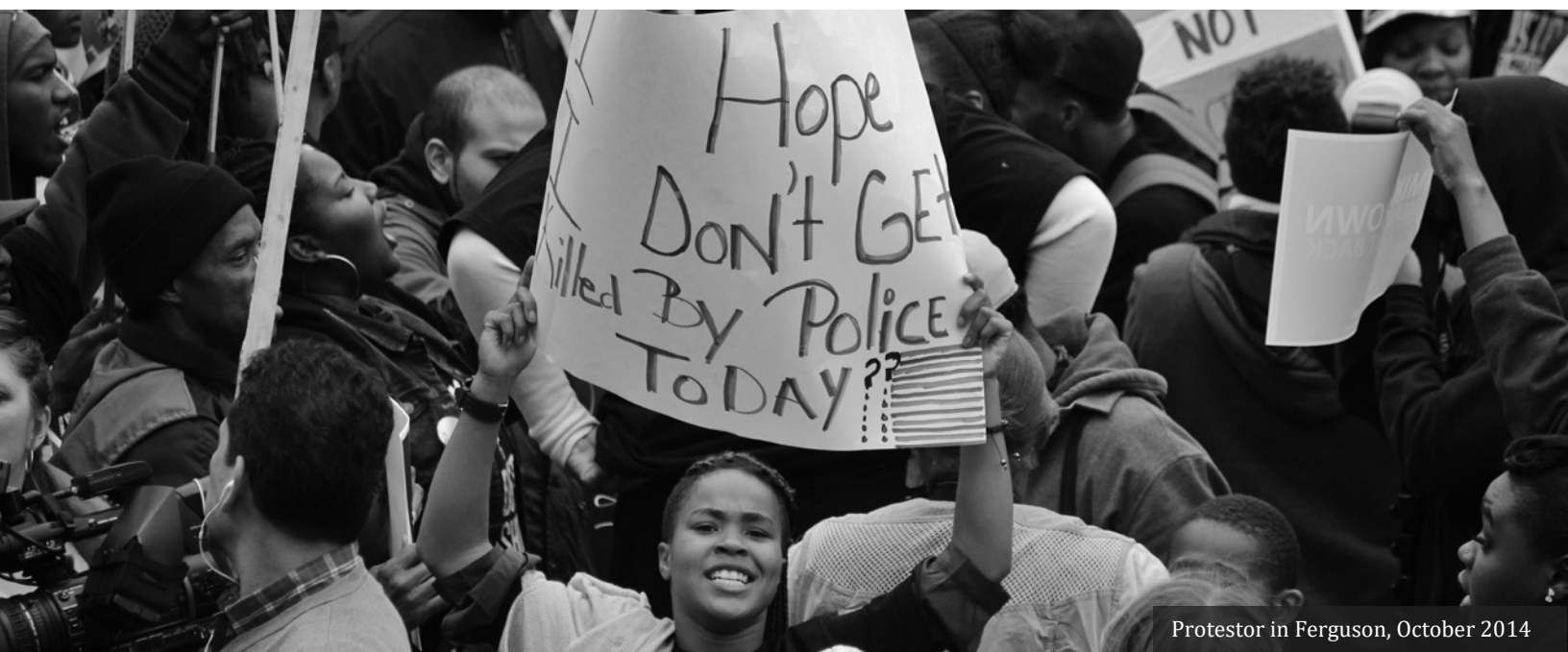
- In August, 2016, the UN Working Group of Experts of People of African Descent released its final report on its visit to the United States. The report states, “solitary confinement should be banned absolutely for being in violation of international human rights law standards particularly those found in the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and in the Standard Minimum Rules for the Treatment of Prisoners. International human rights standards should be observed in the criminal justice system. The Working Group recommends the abolition of the death penalty throughout the United States.”²⁶
- Further, the report states “the Working Group is deeply concerned at the alarming levels of police brutality and excessive use of lethal force by law enforcement officials, committed with impunity against people of African descent in the United States. In addition to the most recent and well-known cases of killings of unarmed African Americans—such as the cases of Eric Garner, Michael Brown, Tamir Rice, Walter Scott, Freddie Gray and Laquan McDonald—the Working Group received information about many other similar cases. The Working Group met with a considerable number of relatives of African Americans allegedly killed by police officers that are still seeking justice for their loved ones, including Tyrone West, Tyron Lewis, Jonathan Sanders, Oscar Grant, Tony Robinson, Marlon Brown, India Kager, Ronald Johnson, Mohamed Bah, Rekia Boyd, Sandra Bland and Alonso Smith.”²⁷

- The UN Committee Against Torture recommended that the United States “remove the obstacles [to] ensure that all instances of police brutality and excessive use of force by law enforcement officers are investigated promptly, effectively and impartially by an independent mechanism with no institutional or hierarchical connection between the investigators and the alleged perpetrators.”²⁸
- Further, the Committee states “establish a moratorium on executions with a view to abolish the death penalty, to commute the sentences of individuals currently on death row and to accede to the Second Optional Protocol of the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.”²⁹
- The UN Committee on the Elimination of Racial Discrimination said that the United States should “intensify efforts to prevent and combat violence against women, particularly against American Indian and Alaska Native women and ensure that all cases of violence against women are effectively investigated, perpetrators prosecuted and sanctioned, and victims provided with appropriate remedies.”³⁰

AGENTS TO TARGET

Regarding the human rights to life, security, and access to justice, human rights advocates can use the human rights tools listed above to put pressure on federal, state, and local governmental actors. Human rights advocates have found that providing evidence of international support for their position has been helpful in bringing awareness to their issues and in applying political pressure domestically to the following entities:

- The U.S. Attorney General
- District Attorneys in Individual States
- Department of Justice
- Department of Corrections (every jurisdiction)
- State and Local Legislatures
- The President of the United States
- District Attorneys and Prosecutors
- U.S. Congress



HUMAN RIGHTS ISSUES

On September 3, 2016, amongst growing resistance of water protectors, led by the Standing Rock Lakota Sioux Nation, to the construction of the Dakota Access Pipeline under the Missouri river, members of a private security firm hired by Energy Transfer Partners unleashed dogs onto peaceful water protectors—with numerous individuals suffering bites. Increased resistance to the pipeline's construction during the subsequent weeks led to hundreds of arrests, during which police, as *The Guardian* reported, "crowded [water protectors] into vans, wrote numbers on their arms to track them, conducted invasive body searches and showed a lack of respect for native culture."³¹ One activist, Chemehuevi member Caro Gonzales, detailed how she was detained in what resembled a "dog kennel" and denied medical attention despite the fact that numerous activists "were all crying in pain."³² Apart from American Indians, journalists were especially targeted by police brutality. These events triggered an investigation of likely human rights violations by representatives of the International Indian Treaty Council. On November 20, police and state troopers doused with water hundreds of peaceful water protectors for hours in freezing temperatures, shot dozens of tear gas canisters into the

crowd, injured numerous protestors by targeting their heads and upper bodies with rubber bullets, hit a 21-year old woman with a concussion grenade that caused massive damage to her arm, and further used sound cannons and chemical sprays. Overall, 300 water protectors were reported injured, while twenty-six were hospitalized with injuries ranging from severe bone fractures to hypothermia. The ACLU of North Dakota condemned what they observed was "a blatant disregard for the safety and humanity of unarmed protesters."³³ The ACLU further noted that the use of water cannons was reminiscent of crowd-control measures in Nazi Germany and in the American South during the Civil Rights Movement. Targeting peaceful protestors with water cannons, the ACLU detailed, can lead to hypothermia and frostbite, "traumatic or internal injuries from the force of the water stream," and "indirect injuries from the blunt force of water cannons include forced falls and slipping."³⁴ Following these events, the United Nations' Permanent Forum on Indigenous Issues investigated the police's conduct for human rights violations, calling for "³⁵the full implementation of the UN Declaration on the Rights of Indigenous Peoples and respect for the civil and political rights of indigenous peoples" lamenting "the viciousness that is being demonstrated by enforcement officials against indigenous peoples."³⁶



Water Protectors are targeted with tear gas, water cannons, rubber bullets, and concussion grenades on November 20 near the Oceti Sakowin Camp.

As we noted in our 2014 report, Black people in this country have endured very intimate state intrusions. The 1960s and 70s in the United States constituted the COINTELPRO era—a secret FBI program designed to monitor and ‘neutralize’ domestic groups deemed by the FBI to be a danger to national security. Such targets included antiwar groups and civil rights groups as well as individuals. The FBI infiltrated black power groups, American Indian Movements and the Brown Berets, resulting in jailed dissidents and the blackmailing of Dr. Martin Luther King, Jr.³⁷

Current movements in the United States have seen a resurgence of COINTELPRO-like infiltration and surveillance. Human rights attorneys “filed a lawsuit against the Federal Bureau of Investigation and Department of Homeland Security on Thursday for failing to release documents on the agencies’ surveillance of Black Lives Matter protests and activists.”³⁸

The tracking of domestic protest groups and peaceful gatherings “raises questions over whether DHS is chilling the exercise of First Amendment rights, and over whether the department, created in large part to combat terrorism, has allowed its mission to creep beyond the bounds of useful security activities as its annual budget has grown beyond \$60 billion. The surveillance cataloged in the DHS documents goes back to August of last year, when protests and riots broke out in Ferguson the day after the shooting of unarmed black teenager Michael Brown.”³⁹ Add a few lines about Violence against BLM and calling them a terrorist org and hate group to lead into this next paragraph.

Following his official visit to the United States in July, 2016, the Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association, in an official statement, said

It was disturbing to learn that assemblies organized by African-Americans are managed differently, with these protests often met with disproportionate force. Indeed, white and Muslim activists that I met acknowledged that black fellow protesters face harsher police encounters in the context of assemblies: police are more likely to be militarized and aggressive; black people are detained longer after arrests; they face more and heavier charges, more intimidation and more disrespect. It is manifestly unwise to respond to a largely peaceful, grieving crowd with riot gear, random arrests, flimsy charges, rough physical handling, verbal insults and so forth. This is not only a violation of the right to peaceful assembly, it also dangerous for participants, the general public and police officers. Petty charges and high numbers of arrests further chill and undermine the right to peaceful assembly. Many protesters testified of being arrested and charged with offenses such as ‘obstructing traffic’, ‘failure to obey a police officer’ and ‘resisting arrest.’ These charges then appear on protesters’ criminal records, with devastating effects such as job losses, inability to get public housing, and more. Exercising a human right should not cause such domino effects into misery.”⁴⁰

Hate Crimes

The divisive campaign and subsequent election of Donald J. Trump—which was filled with anti-black, Islamophobic, anti-immigrant, and sexist language—has inspired a significant spike in hate crimes and hate speech.⁴¹ As a direct result of Trump’s anti-Muslim rhetoric, by September of 2016, hate crimes against Muslims were up by 78% compared to the previous year—making this the biggest annual rise since 2001.⁴² After the election, Muslim women and mosques became the targets of xenophobe attacks, while swastikas and white supremacist messages were promoted across the nation.⁴³

Sexual Violence

According to RAINN, every two minutes, an American is sexually assaulted, and every eight minutes, that victim is a child. Meanwhile, only six out of every 1,000 perpetrators will end up in prison. This means that on average, there are about 300,000 victims (age 12 or older) of rape and sexual assault each year in the United States. Further, 82% of all juvenile victims are female and 90% of adult rape victims are female. As RAINN further notes, “[f]emales ages 16-19 are 4 times more likely than the general population to be victims of rape, attempted rape, or sexual assault.”⁴⁴ In addition, transgender students remain at higher risk for sexual violence: “21% of TGQN (transgender, genderqueer, nonconforming) college students have been sexually assaulted, compared to 18% of non-TGQN females, and 4% of non-TGQN males.”⁴⁵ Likewise, American Indian women continue to be at great risk of sexual assaults: American Indians are twice as likely to experience a rape/sexual assault compared to all rac-

es—41% of sexual assaults against American Indians are committed by a stranger; 34% by an acquaintance; and 25% by an intimate or family member.



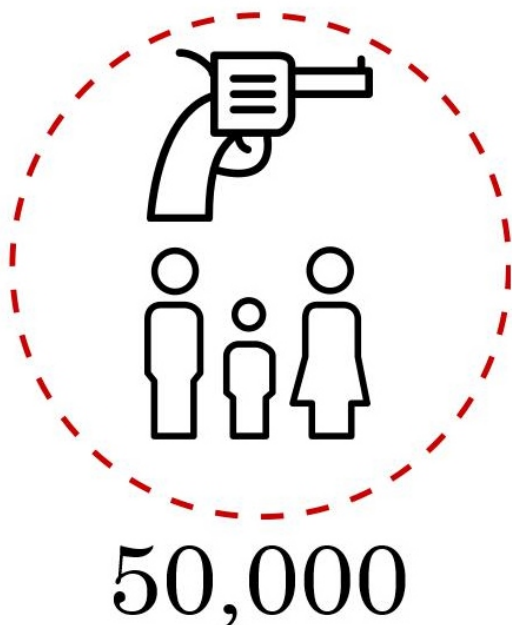
**Every two minutes, an
American is sexually
assaulted, and every eight
minutes, that victim is a
child**

Further, prison inmates are disproportionately affected by rape and sexual violence. Although prison rape is traditionally underreported, RAINN estimates that “[a]n estimated 80,600 inmates each year experience sexual violence while in prison or jail” and that “60% of all sexual violence against inmates is perpetrated by jail or prison staff.” Similarly, rape culture remains high in the U.S. military.⁴⁶

Gun Violence

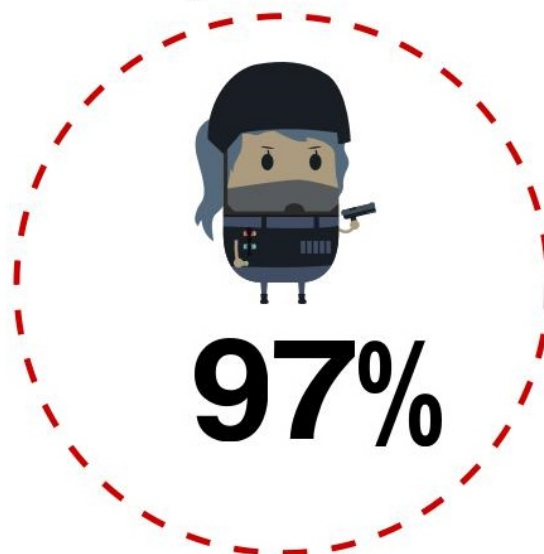
January through mid-November of 2016 saw almost 50,000 incidences of gun violence, resulting in 12,865 deaths and more than 26,000 injuries—595 of those who were killed or injured were kids.⁴⁷ On average 306 people, among them 49 children and teens, are shot each day—of those, on average 90 people die each day, including 7 children and teens.⁴⁸ Between 2001 and 2013, a total of at least 406,496 people die as a result of fire arms in the United States.⁴⁹ Despite efforts from various organizations pushing for gun law reform, the Republican majority in Congress in July refused to pass new legislation.⁵⁰

January through mid-November of 2016 saw almost 50,000 incidences of gun violence, resulting in 12,865 deaths and more than 26,000 injuries—595 of those who were killed or injured were kids.



Police Violence/Racial Profiling

97% of police killings did not result in any of the officers involved being charged with a crime.



From January through mid-November of this year, 925 individuals were killed by police in the United States. Showing the racialized impact of aggressive policing, American Indians (7.6 deaths per million) and black Americans (5.54 deaths per million) were much more likely to be killed by police than Hispanic- and white Americans (2.58 and 2.34 deaths per million respectively).⁵¹ A stunning 97% of police killings did not result in any of the officers involved being charged with a crime.⁵² According to the ACLU, 79% of incidents in which police officers killed an individual, they used SWAT teams and 60% of incidents included a search for drugs.

Criminal Justice

The overall incarceration level in the United States remains high—making the nation the country with the highest rate of imprisonment per capita globally. In addition, incarceration still overwhelmingly affects people of color. Recent find-

ings by the Working Group on People of African Descent⁵³ on its visit to the United States highlight the manifestation of discrimination within the American judicial system and disparities to adequate health, education, housing, and employment. African Americans and other black people comprise 13% of the U.S. population, but comprise 31% of those arrested for drug law violations, and nearly 40% of those incarcerated in state or federal prison for drug law violations. As a result, black people currently constitute one million of the 2.3 million people in prison and are incarcerated at nearly six times the rate of white people. One in six Black men, as of 2001, had been incarcerated. One in three Black men born today can expect to spend time in prison. The UN Special Rapporteur on Freedom of Association and Assembly reported in July 2016 that while “one out of every 15 black men is in currently jail,” as a result “[o]ne out of every 13 African-Americans, meanwhile, has lost their right to vote due to a felony conviction.” The report concludes that “an aggressive emphasis on street-level ‘law and order’ (or ‘broken windows’ approach) policing combined with wide police discretion means that African-Americans are subjected to systematic police harassment—and sometimes much worse—often for doing nothing more than walking down the street or gathering in a group.”⁵⁴ Likewise, Latinos make up 17% of the U.S. population, but make up 20% of people in state prisons for drug offenses and 37% of people in state or federal prison for drug offenses.⁵⁵ Between 380,000 and 420,000 immigrants are detained a year.⁵⁶ In 16/18 deaths of immigrants in detention in 2016, independent medical experts agreed there was evidence of substandard medical practices.⁵⁷ Reflecting a progressive approach, the Department of Justice

will end the use of private prisons by either declining to renew private prison operators’ contracts or reducing those contracts substantially.⁵⁸ That said, the election of Trump in November calls some of these gains into question.

Solitary Confinement

Solitary Confinement remains a widespread practice in the United States, disproportionately affecting queer inmates. According to recent statistics, 28% of lesbian, gay and bisexual prison inmates spent time in restrictive housing, and 22% of LGB jail inmates spent time in restrictive housing.⁵⁹ President Obama has banned the use of solitary confinement of juveniles in federal prisons.⁶⁰ Likewise, California and New York agreed to overhaul the use of solitary confinement.⁶¹

Between 380,000 and 420,000 immigrants and refugees are detained each year.⁶² The American Academy of Pediatricians particularly condemns the detention of children or families of undocumented immigrants or refugees, naming it detrimental to mental or psychological health.⁶³

Death Penalty

Although it received less than majority support for first time in 45 years, a number of ballot initiatives during the November elections reaffirmed or strengthened the death penalty in California, Nebraska, and Oklahoma.⁶⁴ Elsewhere—particularly in Utah, Delaware, and Kansas—advocacy at State level seems to be effective in States beginning the process of repealing legislation on the death penalty.⁶⁵ This is supported by evidence that the death penalty does not lower crime rates (in fact, states without death penalty have lower crime rates).⁶⁶

About US Human Rights Network

The US Human Rights Network (USHRN) is a national network of organizations and individuals working to strengthen a human rights movement and culture within the United States led by those most impacted by human rights violations. We work to secure dignity and justice for all. USHRN serves as an anchor to build the collective power of communities across the country and to expand the base of a bold, vibrant, and broad-based people-centered human rights movement. USHRN is the primary organization coordinating the participation of social justice and human rights groups in using the international human rights mechanisms to hold the United States government accountable.

ENDNOTES

Water, Sanitation, and a Clean Environment

- ¹ Martinez, Michael. "Flint, Michigan: Did Race and Poverty Factor into Water Crisis?" *CNN*, 28 Jan 2016, www.cnn.com/2016/01/26/us/flint-michigan-water-crisis-race-poverty/.
- ² @CornellWBrooks. "Environmental Racism + Indifference = Lead in the Water & Blood...The Poisoning of Flint's Water http://nyti.ms/1PjpB3e #FlintWaterCrisis." *Twitter*, 24 Jan. 2016, 11:01 a.m., twitter.com/CornellWBrooks/status/691334918299844608.
- ³ Levin, Sam. "Dakota Access Pipeline: The Who, What and Why of The Standing Rock Protests." *The Guardian*, 3 Nov. 2016, www.theguardian.com/us-news/2016/nov/03/north-dakota-access-oil-pipeline-protests-explainer
- ⁴ The United Nations. *Universal Declaration of Human Rights*. 1948, www.refworld.org/docid/3ae6b3712c.html.
- ⁵ Note that these UN Committees have adopted general comments which provide authoritative guidance on the covenants' and conventions' provisions. We have not outlined those general comments here and instead, opted to simply provide the text of the treaty.
- ⁶ The United Nations General Assembly. "International Covenant on Civil and Political Rights." *Treaty Series* 999 (1966): 171. www.refworld.org/docid/3ae6b3aa0.html
- ⁷ The United Nations General Assembly. "International Convention on the Elimination of All Forms of Racial Discrimination." *Treaty Series* 660 (1965): 195. www.refworld.org/docid/3ae6b3940.html
- ⁸ Curtis A. Bradley & Jack L. Goldsmith, *Treaties, Human Rights, and Conditional Consent*, 149 U. Pa. L. Rev. 399 (2000). <http://nrs.harvard.edu/urn>
- ⁹ "State and Local Implementation of Human Rights." *Columbia Law School Human Rights Institute*, <http://web.law.columbia.edu/human-rights-institute/human-rights-us/state-and-local-implementation>
- ¹⁰ Article 2 of the ICCPR outlines that States "undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status." The United Nations General Assembly. "International Covenant on Civil and Political Rights." *Treaty Series* 999 (1966): 171. <http://www.refworld.org/docid/3ae6b3aa0.html>
- ¹¹ The United Nations General Assembly. "International Covenant on Civil and Political Rights." *Treaty Series* 999 (1966): 171. www.refworld.org/docid/3ae6b3aa0.html
- ¹² The United Nations General Assembly. "International Convention on the Elimination of All Forms of Racial Discrimination." *Treaty Series* 660 (1965): 195. www.refworld.org/docid/3ae6b3940.html
- ¹³ Additional legal authority for a human rights framework in the United States includes the following non-exhaustive list: Organization of American States, American Convention on Human Rights (*entered into force* 1978), see www.oas.org/ for all OAS documents; the American Convention on Human Rights and the American Declaration of the Rights and Duties of Man, Charter of the Organization of American States (OAS).
- ¹⁴ Red Owl Legal Collective. "Standing Rock California," www.standingrockcali.org/home/
- ¹⁵ US Civil Society Coalition Policy Asks on the Human Right to Water in the United States," *United States Human Rights Network*, http://www.ushrnetwork.org/sites/ushrnetwork.org/files/final_general_human_right_to_water_policy_ask_s_for_iachr_week_advocacy.pdf#overlay-context=our-work/project/waterisahumanright-grassroots-groups-testify-iachr-hearing
- ¹⁶ "Community Groups Petition EPA for Precedent Setting Case on Civil Rights Violations," *Earth Justice: Because the Earth Needs a Good Lawyer*, www.earthjustice.org/news/press/2014/community-groups-petition-epa-for-precedent-setting-case-on-civil-rights-violations and "Tell the EPA to Address Civil Rights Violations," *Earth Justice: Because the Earth Needs a Good Lawyer*, www.secure.earthjustice.org/site/Advocacy?cmd=displayandpage=UserActionandid=1742and_ga=1.2561222.2080688217.1442265577 and International Indian Treaty Council, *Urgent Action Submission by the International Indian Treaty Council (IITC) to the International Convention on the Elimination of all Forms of Discrimination*, August 19, 2015, www.cdn6.iitc.org/wp-content/uploads/IITC-and-Shiprock-Chapter-Urgent-Action-submitted-to-UN-CERD-March-19th-2015-addressing-toxic-waste-mining-spill_web.pdf and "Burquenos Challenge Discriminatory Air Pollution Practices," *New Mexico Environmental Law Center*, www.nmenvirolaw.org/site/pressreleases-more/burquenos_challenge_discriminatory_air_pollution_practices
- ¹⁷ International Indian Treaty Council, "Resolution on Environmental Toxics, Women's Reproductive Health and Extractive Industries: Acknowledging Indigenous Peoples Sacred Connection to Water," September 10-12, 2014, www.cdn6.iitc.org/wp-content/uploads/2014/11/IITC-Treaty-Conference-

-
- [2014-Env-Health-Resolution-revised-FINAL_web.pdf](#) and "Tell the EPA to Address Civil Rights Violations," *Earth Justice: Because the Earth Needs a Good Lawyer*, www.secure.earthjustice.org/site/Advocacy?cmd=displayandpage=UserActionandid=1742and_ga=1.2561222.2080688217.1442265577
- ¹⁸ "Water Shut Off Archives." *Moratorium NOW! Coalition to Stop Foreclosures, Evictions, and Utility Shutoffs*, www.moratorium-mi.org/tag/water-shutoffs/
- ¹⁹ "Alabama Rural Poverty and the Basic Human Right to Water and Sanitation is Subject of United Nations Inquiry," *Equal Justice Initiative*, March 3, 2011, www.eji.org/node/510
- ²⁰ Ibid.
- ²¹ "UN Special Rapporteurs." *United Nations News Centre*, www.un.org/apps/news/html/SpecialRapporteur.s.asp.
- ²² UN Human Rights Council, *Report of the Working Group of Experts on People of African Descent on its mission to the United States of America*, 18 Aug. 2016, A/HRC/33/61, www.refworld.org/docid/5226e2be4.html
- ²³ UN Committee on the Elimination of Racial Discrimination (CERD), *Concluding observations on the combined seventh to ninth periodic reports of the United States of America*, 25 Sept. 2014, CERD/C/USA/CO/7-9, www.state.gov/documents/organization/235644.pdf
- ²⁴ UN Human Rights Committee (HRC), *Concluding observations on the fourth periodic report of the United States of America*, 23 April 2014, CCPR/C/USA/CO/4, www.refworld.org/docid/5374afcd4.html
- ²⁵ Ibid.
- ²⁶ "UN Experts Express Shock Over Water Shutoffs in Detroit, Highlight United States International Obligations," *Compliance Campaign*, October 2014, www.compliancecampaign.wordpress.com/2014/10
- ²⁷ Valencia, Robert. "What Is Happening In Standing Rock, North Dakota? Timeline, Facts and More." *Mic.com*, 30 Nov. 2016, www.mic.com/articles/160672/what-is-happening-in-standing-rock-north-dakota-timeline-facts-and-more#ugn0pPFWM.
- ²⁸ Stand with Standing Rock. "Standing Rock Sioux Tribe's Statement on U.S. Army Corps of Engineers Decision to Not Grant Easement." 4 Dec. 2016. <http://standwithstandingrock.net/standing-rock-sioux-tribes-statement-u-s-army-corps-engineers-decision-not-grant-easement>
- ²⁹ Davis, Todd. "Financial Interest Between Donald Trump and Dakota Access Pipeline Goes Both Ways." *The Dallas Morning News*, 26 Oct. 2016, www.dallasnews.com/business/energy/2016/10/26/financial-interest-donald-trump-dakota-access-pipeline-goes-ways
- ³⁰ Ferner, Matt. "These 11 Cities May Completely Run Out Of Water Sooner Than You Think." *The Huffington Post*, 04 Dec. 2013, www.huffingtonpost.com/2013/12/04/water-shortage_n_4378418.html
- ³¹ "Race, Ethnicity, and Public Responses to Climate Change." *George Mason University Center for Climate Change Communication*, www.environment.yale.edu/climate-communication-OFF/files/Race_Ethnicity_and_Climate_Change_2.pdf.
- ³² Carrington, Damian. "2016 Will Be the Hottest Year on Record, UN Says." *The Guardian*, 14 Nov. 2016, www.theguardian.com/environment/2016/nov/14/2016-will-be-the-hottest-year-on-record-un-says.
- ³³ "National Overview" *National Centers for Environmental Information, National Oceanic and Atmospheric Administration*, www.ncdc.noaa.gov/sotc/national/201608.
- ³⁴ Borenstein, Seth. "12 Extreme Weather Events of the Summer of 2016." *Insurance Journal*, 23 Sept. 2016, www.insurancejournal.com/news/national/2016/09/23/427368.htm.
- ³⁵ "Climate Impacts on Society" *US Environmental Protection Agency*, www.epa.gov/climate-impacts/climate-impacts-society.
- ³⁶ Ibid.
- ³⁷ Ayque, Jamie. "Trump Presidency Could Signal 'Game Over' for Earth's Climate, Scientists Say." *Nature World News*, 14 Nov. 2016, www.natureworldnews.com/articles/31852/20161114/trump-presidency-signal-game-over-earth-climate-scientists.htm.
- ³⁸ "Hunger in America: 2016 United States Hunger and Poverty Facts." *World Hunger*, <http://www.worldhunger.org/hunger-in-america-2015-united-states-hunger-and-poverty-facts/>
- ³⁹ "Facts on Hunger and Poverty in the United States." *Bread for the World's 2016 Offering of Letters: Survive and Thrive*, www.bread.org/sites/default/files/downloads/ol16-hunger-poverty-facts.pdf
- ⁴⁰ Ibid.
- ⁴¹ Ibid.

Political Human Rights (Right to Vote and Dissent)

- ¹ Blau, Max et. al. "Protesters target Trump buildings in massive street rallies." CNN, 11 Nov. 2016, <http://www.cnn.com/2016/11/10/politics/election-results-reaction-streets/index.html>.
- ² Lawyers' Rights Watch Canada. (2016). *The Right to Dissent: A Guide to International Law Obligations to Respect, Protect And Fulfill the Right of all Persons to Participate In Public Affairs by Engaging in Criticism, Opposition and Dissent*. Vancouver, B.C. <http://www.lrw.org/wp-content/uploads/2016/11/Right-to-Dissent-in-International-Law-Nov.-22-2017.pdf>.
- ³ Hurst Hannum, *The Status of the Universal Declaration of Human Rights in National and International Law*, 25 Ga. J. Int'l & Comp. L. 287 (1996). <http://digitalcommons.law.uga.edu/gjicl/vol25/iss1/13>.
- ⁴ "What is the Universal Declaration of Human Rights?" Australian Human Rights Commission, <https://www.humanrights.gov.au/publications/what-universal-declaration-human-rights>, and "Human Rights Law." *The United Nations*, www.un.org/en/sections/universal-declaration/human-rights-law/.
- ⁵ Note that these UN Committees have adopted general comments which provide authoritative guidance on the covenants' and conventions' provisions. We have not outlined those general comments here and instead, opted to simply provide the text of the treaty.
- ⁶ NLCHP and Vienna Convention on the Law of Treaties art. 18, May 23, 1969, 1155 U.N.T.S. 331.
- ⁷ The United Nations General Assembly. "International Covenant on Civil and Political Rights." *Treaty Series* 999 (1966): 171. www.refworld.org/docid/3ae6b3aa0.html
- ⁸ The United Nations General Assembly. "International Convention on the Elimination of All Forms of Racial Discrimination." *Treaty Series* 660 (1965): 195. www.refworld.org/docid/3ae6b3940.html
- ⁹ Curtis A. Bradley & Jack L. Goldsmith, *Treaties, Human Rights, and Conditional Consent*, 149 U. Pa. L. Rev. 399 (2000). <http://nrs.harvard.edu/urn>.
- ¹⁰ "State and Local Implementation of Human Rights." *Columbia Law School Human Rights Institute*, <http://web.law.columbia.edu/human-rights-institute/human-rights-us/state-and-local-implementation>.
- ¹¹ The United Nations General Assembly. "International Covenant on Civil and Political Rights." *Treaty Series* 999 (1966): 171. www.refworld.org/docid/3ae6b3aa0.html
- ¹² the ICCPR, Article 2, paragraph 1 which states regarding free and fair election that each xxxx "undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status," The United Nations General Assembly. "International Covenant on Civil and Political Rights." *Treaty Series* 999 (1966): 171. www.refworld.org/docid/3ae6b3aa0.html
- ¹³ The United Nations General Assembly. "International Covenant on Civil and Political Rights." *Treaty Series* 999 (1966): 171. www.refworld.org/docid/3ae6b3aa0.html
- ¹⁴ Ibid.
- ¹⁵ The United Nations General Assembly. "International Convention on the Elimination of All Forms of Racial Discrimination." *Treaty Series* 660 (1965): 195. www.refworld.org/docid/3ae6b3940.html
- ¹⁶ Additional bases for the human right to vote and dissent include the following non-exhaustive list: Organization of American States, [American Convention on Human Rights](http://www.oas.org/) (entered into force 1978), see <http://www.oas.org/> for all OAS documents; [Inter-American Convention on the Granting of Political Rights to Women](http://www.oas.org/) (entered into force 1954); Article 23 of the [American Convention on Human Rights](http://www.oas.org/) and Article 20 of the [American Declaration of the Rights and Duties of Man](http://www.oas.org/) guarantee the right of citizens to vote and be elected in genuine periodic elections; the [Charter of the Organization of American States](http://www.oas.org/) (OAS) establishes in its preamble, "representative democracy is an indispensable condition for the stability, peace and development of the region," and establishes that one of its purposes is "to promote and consolidate representative democracy, with due respect for the principle of non-intervention." In 1991 the [General Assembly of the Organization of American States](http://www.oas.org/) established a process by which the OAS will take action if the democratic order is interrupted in any member country. In 1992 the Protocol of Washington, (in ratification), strengthened the mechanisms for defending democracy.
- ¹⁷ "NAACP Pushes Fight for Voting Rights at VA Rally #RestoreTheVRA." NAACP, June 25, 2015, www.naacp.org/blog/entry/naacp-pushes-fight-for-voting-rights-at-va-rally-restorethevra and "Obama Must Restore Voting Rights Act Section 5 to End Voter Suppression." *Sputnik News*, June 12, 2015. www.sputniknews.com/us/20150612/1023256150.html and "Asian American Access to Democracy in the 2014 Elections." New York, NY: *Asian American Legal Defense and Education Fund*, (2014). 36 pages. www.aaldef.org/2014AccessToDemocracyReport.pdf
- ¹⁸ "The Case for Automatic, Permanent Voter Registration," *Brennan Center for Justice*, www.brennancenter.org/publication/case-voter-registration-modernization-2015.

-
- ¹⁹ "Same Day Voter Registration." *Ballotpedia: The Encyclopedia of American Politics*, https://ballotpedia.org/Same-day_voter_registration.
- ²⁰ "Asian American Access to Democracy in the 2014 Elections." New York, NY: *Asian American Legal Defense and Education Fund*, (2014). 36 pages. <http://aaldef.org/2014AccessToDemocracyReport.pdf>.
- ²¹ Ibid. and "People with Disabilities and Voting." *The Center for an Accessible Society*, <http://www.accessiblesociety.org/topics/voting/>.
- ²² "International Comparison of Felon Voting Laws," *ProCon.org*, <http://felonvoting.procon.org/view.resource.php?resourceID=000289>
- ²³ "UN Special Rapporteurs." *United Nations News Centre*, www.un.org/apps/news/html/SpecialRapporteur.s.asp.
- ²⁴ UN Human Rights Council, *Draft Report of the Working Group of Experts on the Universal Periodic Review: United States of America*, 21 May 2015 A/HRC/WG.6/22/L.10, http://www.ushrnetwork.org/sites/ushrnetwork.org/files/draft_report_of_the_upr_working_group_a_hrc_wg.6_22_l.10_may_21_15.pdf#overlay-context=resources-media/us-un-human-rights-committee-upr-recommendations-may-22-2015
- ²⁵ UN Human Rights Council, *Report of the Working Group of Experts on People of African Descent on its mission to the United States of America*, 18 Aug. 2016, A/HRC/33/61, www.refworld.org/docid/5226e2be4.html
- ²⁶ Federal Elections Commission, <http://www.fec.gov/about.shtml>.
- ²⁷ Lawyers' Rights Watch Canada. (2016). *The Right to Dissent: A Guide to International Law Obligations to Respect, Protect And Fulfill the Right of all Persons to Participate In Public Affairs by Engaging in Criticism, Opposition and Dissent*. Vancouver, B.C. <http://www.lrwc.org/ws/wp-content/uploads/2016/11/Right-to-Dissent-in-International-Law.Nov..22-2017.pdf>.
- and Mays, Jeff. "Attorney General to Investigate Board of Elections After Chaotic Primary." *DNA Info*. 20 April 2016, <https://www.dnainfo.com/new-york/20160420/civic-center/attorney-general-investigate-board-of-elections-after-chaotic-primary>.
- ²⁸ Levin, Sam. "Dakota Access Pipeline: Native Americans Allege Cruel Treatment." *The Guardian*, 30 Oct. 2016, <https://www.theguardian.com/us-news/2016/oct/29/dakota-access-pipeline-native-american-protesters>.
- ²⁹ Ibid.
- ³⁰ Wong, Julie Carrie. "Dakota Access Pipeline: 300 Protesters Injured after Police Use Water Cannons." *The Guardian*, 21 Nov. 2016, <https://www.theguardian.com/us-news/2016/nov/21/dakota-access-pipeline-water-cannon-police-standing-rock-protest>.
- ³¹ "Water Cannons Fact Sheet." ACLU, <https://www.aclu.org/fact-sheet/water-cannons-fact-sheet>. Accessed 6 Dec. 2016.
- ³² UN Division of Social Policy and Development Indigenous Peoples. *Statement by Mr. Álvaro Pop Ac, Chair of the Permanent Forum on Indigenous Issues, and Dr. Dalee Dorrough and Chief Edward John, Expert Members of the Permanent Forum on Indigenous Issues, on the escalating violence against unarmed protestors at the Dakota Access Pipeline construction site (North Dakota, USA)*. 22 Nov. 2016. <https://www.un.org/development/desa/indigenous-peoples/news/2016/11/statement-from-the-chair-and-pfi-members-dalee-dorough-and-chief-edward-john-on-the-dakota-access-pipeline-2>.
- ³³ Ibid.
- ³⁴ US Human Rights Network. *Advancing Human Rights, A Status Report on Human Rights in the United States*. (2014). http://www.ushrnetwork.org/sites/ushrnetwork.org/files/2014_ushrn_hr_report.pdf.
- ³⁵ Norton, Ben. "FBI, Homeland Security Sued for Records on Surveillance of Black Lives Matter Activists." *Salon* 20 Oct. 2016. <http://www.salon.com/2016/10/20/fbi-homeland-security-sued-for-records-on-surveillance-of-black-lives-matter-activists/>
- ³⁶ Joseph, George. "Exclusive: Feds Regularly Monitored Black Lives Matter Since Ferguson." *The Intercept*. 24 July 2015, <https://theintercept.com/2015/07/24/documents-show-department-homeland-security-monitoring-black-lives-matter-since-ferguson/>
- ³⁷ UN Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association. *Statement by the United Nations Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association at the Conclusion of his Visit to the United States of America*. Washington: 27 July 2016. www.freeassembly.net/news/usa-statement/
- ³⁸ Solomon, Danyelle and Michele L. Jawando. "Voter Suppression Is Real: Americans Must Remain Vigilant." *Center for American Progress*. 18 Oct. 2016, <https://www.americanprogress.org/issues/race/news/2016/10/18/145727/voter-suppression-is-real-americans-must-remain-vigilant/>
- ³⁹ Neuhauser, Alan. "Voter Intimidation Reports Pour In to Elections Watchdog." *US News & World Report*, 3 Nov. 2016, <http://www.usnews.com/news/politics/articles/2016-11-03/voter-intimidation-reports-pour-in-to-elections-watchdog>.
- ⁴⁰ Neuhauser, Alan. "Voter Intimidation Complaints Surge." *US News & World Report*, 8 Nov. 2016,

-
- <http://www.usnews.com/news/politics/articles/2016-11-08/voter-intimidation-complaints-surge>.
- 41 "Election 2016 Results." *The Guardian*, <https://www.theguardian.com/us-news/ng-interactive/2016/nov/08/us-election-2016-results-live-clinton-trump?view=map&type=presidential>.
- 42 Easley, Jason. "Half Of All National Voter Intimidation Complaints Are Coming From Pennsylvania." *Politicus USA*. 8 Nov. 2016, <http://www.politicususa.com/2016/11/08/national-voter-intimidation-complaints-coming-pennsylvania.html>.
- 43 "Voter Identification Requirements | Voter ID Laws." National Conference of State Legislatures, <http://www.ncsl.org/research/elections-and-campaigns/voter-id.aspx>.
- 44 Solomon, Danyelle and Michele L. Jawando. "Voter Suppression Is Real: Americans Must Remain Vigilant." *Center for American Progress*. 18 Oct. 2016, <https://www.americanprogress.org/issues/race/news/2016/10/18/145727/voter-suppression-is-real-americans-must-remain-vigilant/>.
- 45 Democracy Now! *Courts Strike Down Voter Restriction Laws That Target African Americans with "Surgical Precision"*. 1 Aug. 2016, http://www.democracynow.org/2016/8/1/courts_strike_down_voter_restriction_laws.
- 46 "These States Wanted to Keep Communities of Color From Voting, but the Courts Said No, That's Discriminatory." American Civil Liberties Union, <https://www.aclu.org/blog/speak-freely/these-states-wanted-keep-communities-color-voting-courts-said-no-thats>.
- 47 Gallitz, Sean. "Democrats try for black turnout with 'souls to the polls' events in NC." *CBS News* 25 Oct. 2016, <http://www.cbsnews.com/news/democrats-try-for-black-turnout-with-souls-to-the-polls-events-in-nc/>.
- 48 Slack, Donovan. "Eligible Voters with Disabilities Outnumber Black, Latino Voters, study finds." *USA Today*. 12 Aug. 2016, <http://www.usatoday.com/story/news/politics/onpolitics/2016/08/12/voters-disabilities-outnumber-black-latino-voters-study/88628272/>.
- 49 Schur, Lisa and Douglas Kruse. *Projecting the Number of Eligible Voters with Disabilities in the November 2016 Elections*. Rutgers University. 8 Sept. 2016, <http://smlr.rutgers.edu/news/projecting-number-eligible-voters-disabilities-november-2016-elections-research-report>.
- 50 Ornstein, Norman and Kristina Kopic. *The Ruderman White Paper: Voting Accessibility For People With Disabilities*. Ruderman Family Foundation. Sept. 2016, <http://www.rudermanfoundation.org/the-ruderman-white-paper-voting-accessibility-for-people-with-disabilities>.
-
- 51 Ibid.
- 52 Ibid.
- 53 "Summary: Racial Discrimination in Voting For Review of U.S. Compliance with CERD–August 2014." *The Leadership Conference Education Fund and The Leadership Conference on Civil and Human Rights with the Lawyers' Committee for Civil Rights Under Law and the National Association for the Advancement of Colored People (NAACP)*, www.civilrights.org/press/2014/2014-08-06-CERD-Leadership-Conference-Issue-Summary-Voting-FINAL.pdf.
- 54 Ibid.
- 55 "Falling Further Behind: Combating Racial Discrimination in America." *The Leadership Conference Education Fund and The Leadership Conference on Civil and Human Rights with the Lawyers' Committee for Civil Rights Under Law and the National Association for the Advancement of Colored People (NAACP)*. 4 July 2016, http://www.civilrightsdocs.info/pdf/reports/CERD_Report.pdf.
- 56 Ibid.
- 57 Ingraham, Christopher. "America's Most Gerrymandered Congressional Districts." *The Washington Post*. 15 May 2014, https://www.washingtonpost.com/news/wonk/wp/2014/05/15/americas-most-gerrymandered-congressional-districts/?utm_term=.357d4303ce73.
- 58 "Stacking, Cracking and Packing." *American Civil Liberties Union*. <https://www.aclu.org/video/stacking-cracking-and-packing>.
- 59 "The Racial Geography of Mass Incarceration." Prison Policy Initiative. <http://www.prisonpolicy.org/racialgeography/report.html>.
- 60 Domonoske, Camila. "Virginia Court Overturns Order That Restored Voting Rights To Felons." *National Public Radio*. 22 July 2016, <http://www.npr.org/sections/thetwo-way/2016/07/22/487107922/virginia-court-overturns-order-that-restored-voting-rights-to-felons>.

Human Rights of Migrants

- ¹ Galvan, Astrid and Amy Taxin. *Associated Press*. 11 Nov. 2016, <http://www.pbs.org/newshour/rundown/deportation-fears-grip-immigrants-trumps-election/>
- ² Miller, Michael E. "I Don't Feel Safe': Undocumented Immigrants Fear What Trump Will Do as President." *The Washington Post*. 9 Nov. 2016, https://www.washingtonpost.com/local/i-dont-feel-safe-undocumented-immigrants-fear-what-trump-will-do-as-president/2016/11/09/0a2bfc36-a6cc-11e6-8042-f4d111c862d1_story.html.
- ³ Ibid.
- ⁴ Pengelly, Martin and Alan Yuhas. "Donald Trump's immigration plans: start by deporting 3 million 'criminals.'" *The Guardian*. 13 Nov. 2016, <https://www.theguardian.com/us-news/2016/nov/13/trump-deportation-immigration-criminals>
- ⁵ "Korematsu v. United States." Oyez. Chicago-Kent College of Law at Illinois Tech, n.d. Dec 7, 2016. <https://www.oyez.org/cases/1940-1955/323us214> and Rothman, Lily. Why Citing the Japanese Internment as a 'Precedent' for a Muslim Registry Is So Alarming." *Time*. 17 Nov. 2016, <http://time.com/4574680/muslim-registry-japanese-internment/>
- ⁶ Ibid.
- ⁷ Hurst Hannum, *The Status of the Universal Declaration of Human Rights in National and International Law*, 25 Ga. J. Int'l & Comp. L. 287 (1996). <http://digitalcommons.law.uga.edu/gjicl/vol25/iss1/13>
- ⁸ "What is the Universal Declaration of Human Rights?" *Australian Human Rights Commission*, <https://www.humanrights.gov.au/publications/what-universal-declaration-human-rights>. and "Human Rights Law." *The United Nations*, www.un.org/en/sections/universal-declaration/human-rights-law/
- ⁹ Note that these UN Committees have adopted general comments which provide authoritative guidance on the covenants' and conventions' provisions. We have not outlined those general comments here and instead, opted to simply provide the text of the treaty.
- ¹⁰ UN General Assembly, *International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families*, 18 December 1990, A/RES/45/158, <http://www.refworld.org/docid/3ae6b3980.html>
- ¹¹ The United Nations General Assembly. "International Covenant on Civil and Political Rights." *Treaty Series* 999 (1966): 171. www.refworld.org/docid/3ae6b3aa0.html
- ¹² The United Nations General Assembly. "International Convention on the Elimination of All Forms of Racial Discrimination." *Treaty Series* 660 (1965): 195. www.refworld.org/docid/3ae6b3940.html
- ¹³ UN General Assembly, *Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, 10 December 1984, United Nations, Treaty Series, vol. 1465, p. 85, <http://www.refworld.org/docid/3ae6b3a94.html>
- ¹⁴ Curtis A. Bradley & Jack L. Goldsmith, *Treaties, Human Rights, and Conditional Consent*, 149 U. Pa. L. Rev. 399 (2000). <http://nrs.harvard.edu/urn>
- ¹⁵ "State and Local Implementation of Human Rights." *Columbia Law School Human Rights Institute*, <http://web.law.columbia.edu/human-rights-institute/human-rights-us/state-and-local-implementation>
- ¹⁶ The United Nations General Assembly. "International Convention on the Elimination of All Forms of Racial Discrimination." *Treaty Series* 660 (1965): 195. www.refworld.org/docid/3ae6b3940.html
- ¹⁷ UN General Assembly, *Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, 10 December 1984, United Nations, Treaty Series, vol. 1465, p. 85, <http://www.refworld.org/docid/3ae6b3a94.html>
- ¹⁸ Walker, Alissa. "How Sanctuary Cities are Fighting Back Against Trump's Anti-Immigrant Policies." *Curbed*, 21 Nov. 2016, www.curbed.com/2016/11/21/13701812/trump-immigration-sanctuary-cities-new-york-chicago-san-francisco-dc
- ¹⁹ "Juntos files Urgent Appeal to United Nations on Family Detention." *Juntos*, www.vamosjuntos.org/juntos-files-urgent-appeal-to-united-nations-on-family-detention/
- ²⁰ #Not1More, <http://www.notonemoredeportation.com/about/>
- ²¹ "Executive Action on Immigration Response." *Familia Trans Queer Liberation Movement*, <http://famiatqlm.org/collectiveresponse/>
- ²² CCPR, General Comment No. 15: The position of aliens under the Covenant, 1986, para. 2.
- ²³ Additional legal authority for a human rights framework in the United States includes the following non-exhaustive list: Organization of American States, *American Convention on Human Rights* (entered into force 1978), see <http://www.oas.org/> for all OAS documents; the *American Convention on Human Rights* and the *American Declaration of the Rights and Duties of Man*, *Charter of the Organization of American States* (OAS, Convention on the Elimination of Discrimination against Women (CEDAW), Convention against Torture (CAT) and Subcommittee on Prevention of Torture (SPT), Convention on the Rights of the Child (CRC), Convention on the Rights of

-
- Persons with Disabilities (CRPD), Convention on Enforced Disappearances (CED), Special Procedures (including Special Rapporteur on the Human Rights of Migrants).
- ²⁴ Mayer, Randy Rev. and Christian Ramirez, "Stop Operation Streamline," *The Hill*, October 9, 2015, <http://thehill.com/blogs/congress-blog/civil-rights/256415-stop-operation-streamline>
- ²⁵ "Priority Enforcement Program," *United States Immigration and Customs Enforcement*, <https://www.ice.gov/pep#wcm-survey-target-id>
- ²⁶ "US: Trauma in Family Immigration Detention." *Human Rights Watch*, <https://www.hrw.org/news/2015/05/15/us-trauma-family-immigration-detention-0>
- ²⁷ McCabe, David. "Poll: Majority want Congress to pass immigration reform," *The Hill*, December 16, 2014, <http://thehill.com/blogs/blog-briefing-room/news/227328-poll-majority-want-congress-to-pass-immigration-reform>
- ²⁸ "Ratification of the UN Convention on the Rights of All Migrant Workers and Members of Their Families," *National Network for Immigrant and Refugee Rights*, <http://www.nnirr.org/drupal/UN-migrant-workers-convention>
- ²⁹ "UN Special Rapporteurs." *United Nations News Centre*, www.un.org/apps/news/html/SpecialRapporteur.s.asp.
- ³⁰ UN Committee on the Elimination of Racial Discrimination. *CERD Follow-Up Letter Sent to State Party (United States)* 24 May 2016, <http://www.ushrnetwork.org/resources-media/cerd-follow-letter-sent-state-party-united-states-may-24-2016.pdf>
- ³¹ Ibid.
- ³² UN Human Rights Council, *Working Group on Arbitrary Detention: Preliminary Findings from its visit to the United States of America (11-24 October 2016)* 21 May, <http://www.ohchr.org>
- ³³ UN Human Rights Council, *Report of the Working Group on the Issue of Discrimination Against Women in Law and in Practice, on its Mission to the United States*, 7 June 2016, A/HRC/32/44/Add.2, http://www.ushrnetwork.org/sites/ushrnetwork.org/files/a_hrc_32_44_add.2_en.pdf
- ³⁴ "UN Human Rights Council, *Draft Report of the Working Group of Experts on the Universal Periodic Review: United States of America*, 21 May 2015 A/HRC/WG.6/22/L.10, http://www.ushrnetwork.org/sites/ushrnetwork.org/files/draft_report_of_the_upr_working_group_a_hrc_wg.6_22_l.10_may_21_15.pdf
- ³⁵ "Jailed Without Justice: Immigration Detention in the USA." *Amnesty International*. 54 pages, <http://www.amnestyusa.org/pdfs/JailedWithoutJustice.pdf>
- ³⁶ Liptak, Adam. "Supreme Court Tie Blocks Obama Immigration Plan." *The New York Times*, 23 June 2016, <http://www.nytimes.com/2016/06/24/us/supreme-court-immigration-obama-dapa.html>.
- ³⁷ Ibid.
- ³⁸ Park, Haeyoun and Alicia Parlapiano. "Supreme Court's Decision on Immigration Case Affects Millions of Unauthorized Immigrants." *The New York Times*, 23. June 2016, <http://www.nytimes.com/interactive/2016/06/22/us/who-is-affected-by-supreme-court-decision-on-immigration.html>.
- ³⁹ Liptak, Adam. "Supreme Court Tie Blocks Obama Immigration Plan." *The New York Times*, 23 June 2016, <http://www.nytimes.com/2016/06/24/us/supreme-court-immigration-obama-dapa.html>.
- ⁴⁰ Edwards, Julie. "Exclusive: U.S. Plans New Wave of Immigrant Deportation Raids." *Reuters*, 12 May 2016, <http://www.reuters.com/article/us-usa-immigration-deportation-exclusive-idUSKCN0Y3211>.
- ⁴¹ Ibid.
- ⁴² Jones, Philip M. "The colors of immigration reform," Black Alliance for Just Immigration, <http://blackalliance.org/the-colors-of-immigration-reform/>
- ⁴³ "Advancing Human Rights: A Status Report on Human Rights in the United States," *USHRN*, December 10, 2013, <http://www.ushrnetwork.org/resources-media/advancing-human-rights-status-report-human-rights-united-states>
- ⁴⁴ "Executive Action on Immigration Response." *Familia Trans Queer Liberation Movement*, <http://familiarqlm.org/collectiveresponse/>
- ⁴⁵ "US: Trauma in Family Immigration Detention." *Human Rights Watch*, <https://www.hrw.org/news/2015/05/15/us-trauma-family-immigration-detention-0>
- ⁴⁶ US: 20 Years of Immigrant Abuses." *Human Rights Watch* <https://www.hrw.org/news/2016/04/25/us-20-years-immigrant-abuses>
- ⁴⁷ Milliher, Ian. "No, State Governors Can't Refuse To Accept Syrian Refugees." *Think Progress* 16 Nov. 2016, www.thinkprogress.org/no-state-governors-cant-refuse-to-accept-syrian-refugees-
- ⁴⁸ Ibid.
- ⁴⁹ Ngai, Mae. "Justice Deferred," *Dissent Magazine*, 5 May 2016, <https://www.dissentmagazine.org/blog/supreme-court-dapa-daca-obama-trump-law>.
- ⁵⁰ Foley, Ellse. "Immigration Reform Advocates Look For A Way Forward Under A Donald Trump Presidency." 10 Nov. 2016, http://www.huffingtonpost.com/entry/donald-trump-immigration-advocates_us_58237445e4b0aac62488d697.

Human Right to Housing

- ¹ Capps, Kriston. "What's at Stake in Trump's Pick to Lead HUD." Citylab, 11 Nov. 2016: <http://www.citylab.com/housing/2016/11/trump-and-the-future-of-fair-and-affordable-housing/507269/>
- ² National Law Center on Homelessness & Poverty. *Right to Housing Report Card*. <https://www.nlchp.org/reports>
- ³ The United Nations. *Universal Declaration of Human Rights*. 1948, www.refworld.org/docid/3ae6b3712c.html.
- ⁴ "Human Right to Housing Report Card," *NLCHP*, accessed December 4, 2015, http://www.nlchp.org/documents/Human_Right_to_Housing_Report_Card_2014
- ⁵ Note that these UN Committees have adopted general comments which provide authoritative guidance on the covenants' and conventions' provisions. We have not outlined those general comments here and instead, opted to simply provide the text of the treaty.
- ⁶ See International Covenant on Economic, Social and Cultural Rights, opened for signature Dec. 16, 1966, art. 11(1), 993 U.N.T.S. 3, 5 (entered into force Jan. 3, 1976); Ratification/Signature Status of the International Covenant on Economic, Social and Cultural Rights, at http://www.un.org/Depts/Treaty/final/ts2/newfiles/part_boo/iv_boo/iv_3.html. (Under the U.S. Constitution, the President signs treaties, and the Senate must ratify them by a 2/3 vote. See U.S. CONST. Art. II, Sec. 2).
- ⁷ NLCHP And Vienna Convention on the Law of Treaties art. 18, May 23, 1969, 1155 U.N.T.S. 331.
- ⁸ The United Nations General Assembly. "International Covenant on Civil and Political Rights." *Treaty Series* 999 (1966): 171. www.refworld.org/docid/3ae6b3aa0.html
- ⁹ The United Nations General Assembly. "International Convention on the Elimination of All Forms of Racial Discrimination." *Treaty Series* 660 (1965): 195. www.refworld.org/docid/3ae6b3940.html
- ¹⁰ Curtis A. Bradley & Jack L. Goldsmith, *Treaties, Human Rights, and Conditional Consent*, 149 U. Pa. L. Rev. 399 (2000). <http://nrs.harvard.edu/urn>
- ¹¹ "State and Local Implementation of Human Rights." *Columbia Law School Human Rights Institute*, <http://web.law.columbia.edu/human-rights-institute/human-rights-us/state-and-local-implementation>
- ¹² The United Nations General Assembly. "International Convention on the Elimination of All Forms of Racial Discrimination." *Treaty Series* 660 (1965): 195. www.refworld.org/docid/3ae6b3940.html
- ¹³ The United Nations General Assembly. "International Covenant on Civil and Political Rights." *Treaty Series* 999 (1966): 171. www.refworld.org/docid/3ae6b3aa0.html
- ¹⁴ "Tenants Rally for Rent Control & Just Cause to Protect Against Slumlords." *Tenants Together*, <http://www.tenants-together.org/updates/tenants-rally-rent-control-just-cause-protect-against-slumlords>
- ¹⁵ Housing Rights Campaign, "Causa Justa: Just Cause," <http://www.cjic.org/en/our-work/housing-rights-campaign>.
- ¹⁶ Lovett, Kenneth. "New enforcement program to uncover NY housing discrimination." *New York Daily News*, 14 Feb. 2016, <http://www.nydailynews.com/new-york/new-enforcement-program-uncover-ny-housing-discrimination-article-1.2531084>.
- ¹⁷ UN General Assembly, *International Covenant on Economic, Social and Cultural Rights*, 16 December 1966, United Nations, Treaty Series, vol. 993, p. 3, <http://www.refworld.org/docid/3ae6b36c0.html>
- ¹⁸ Additional legal authority for a human rights framework in the United States includes the following non-exhaustive list: Organization of American States, *American Convention on Human Rights* (entered into force 1978), see <http://www.oas.org/> for all OAS documents; the *American Convention on Human Rights* and the *American Declaration of the Rights and Duties of Man*, *Charter of the Organization of American States* (OAS, Convention on the Elimination of Discrimination against Women (CEDAW), Convention on the Rights of the Child (CRC), Convention on the Rights of Persons with Disabilities (CRPD), Special Procedures (including Special Rapporteur on the Human Rights of Migrants), Universal Periodic Review.
- ¹⁹ "2015-2016 Policy Agenda." *National Low Income Housing Coalition*. (November 2014). 4 pages. http://nlihc.org/sites/default/files/NLIHC_2015-2016_Policy_Agenda_0.pdf
- ²⁰ "Affirmatively Furthering Fair Housing" *U.S. Department of Housing and Urban Development*, www.huduser.gov/portal/affht_pt.html
- ²¹ National Law Center on Homelessness & Poverty. *Right to Housing Report Card*. 2016 Web. 8 Dec. 2016.
- ²² Ibid.
- ²³ Ibid.
- ²⁴ "UN Special Rapporteurs." *United Nations News Centre*, www.un.org/apps/news/html/SpecialRapporteur.asp.
- ²⁵ UN Human Rights Council, *Report of the Working Group of Experts on People of African Descent on its mission to the United States of America*, 18 Aug. 2016, A/HRC/33/61, www.refworld.org/docid/5226e2be4.html

²⁶ Ibid.

²⁷ UN Human Rights Council, *Report of the Working Group on the Issue of Discrimination Against Women in Law and in Practice, on its Mission to the United States*, 7 June 2016 A/HRC/32/44/Add.2, http://www.ushrnetwork.org/sites/ushrnetwork.org/files/a_hrc_32_44_add.2_en.pdf

²⁸ Maina Kiai, Statement by the United Nations Special Rapporteur on the rights to freedom of peaceful assembly and of association at the conclusion of his visit to the United States of America (July 27, 2016), <http://freeassembly.net/news/usa-statement/>

²⁹ UN Human Rights Council, *Draft Report of the Working Group of Experts on the Universal Periodic Review: United States of America*, 21 May 2015 A/HRC/WG.6/22/L.10, http://www.ushrnetwork.org/sites/ushrnetwork.org/files/draft_report_of_the_upr_working_group_a_hrc_wg.6_22_l.10_may_21_15.pdf

³⁰ UN Human Rights Committee (HRC), *Concluding observations on the fourth periodic report of the United States of America*, 23 April 2014, CCPR/C/USA/CO/4, www.refworld.org/docid/5374afcd4.html

³¹ University of California, Berkeley. (2015). *Urban Displacement Project Executive Summary*. Berkeley, California. http://www.urbandisplacement.org/sites/default/files/images/urban_displacement_project_-_executive_summary.pdf

³² Ibid.

³³ Legal Aid Society of San Mateo and Community Legal Services in East Palo Alto. *San Mateo County Eviction Report 2016*. (2016), <http://www.clsepa.org>

³⁴ Ibid.

³⁵ Ibid.

³⁶ Levin, Sam. "Low Income Families Face Evictions as Building 'Rebrands' for Facebook Workers." *The Guardian*. 21 Sept. 2016, <https://www.theguardian.com/technology/2016/sep/21/silicon-valley-eviction-facebook-trion-properties>

³⁷ Desmond, Matthew. "Unaffordable America: Poverty, Housing, and Eviction." Institute for Research on Poverty, University of Wisconsin-Madison. (2015), <http://scholar.harvard.edu/files/mdesmond/files/fastfocus2015.pdf>

³⁸ Ibid.

³⁹ Ibid.

⁴⁰ Urban Habitat. *Race, Inequality, and the Resegregation of the Bay Area*. Nov. 2016, <http://urbanhabitat.org/sites/default/files/UH%20Policy%20Brief2016.pdf>

⁴¹ Ibid.

⁴² Tenants Together. *Rent Control Toolkit*. <https://actionnetwork.org/forms/download-our-rent-control-toolkit>

⁴³ Ibid.

⁴⁴ National Law Center on Homelessness & Poverty. *Right to Housing Report Card*.

⁴⁵ National Law Center on Homelessness & Poverty. *Right to Housing Report Card*.

⁴⁶ Report of the Working Group on the Universal Periodic Review, United States of America, A/HRC/30/12, ¶ 176.309 (July 20, 2015). In explaining its partial acceptance of the above recommendation, the U.S. stated "[t]he U.S. is not a party to the ICESCR, and we understand the rights therein are to be realized progressively ... We continue to improve our domestic laws and policies to promote access to housing, food, health, and safe drinking water and sanitation, with the aim of decreasing poverty and preventing discrimination." Report of the Working Group on the Universal Periodic Review, United States of America, *Addendum, Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review*, A/HRC/30/12/Add.1, ¶ 12 (Sept. 14, 2015).

⁴⁷ Joint Center for Housing Studies at Harvard University. *The State of the Nation's Housing*. 2016. http://www.jchs.harvard.edu/sites/jchs.harvard.edu/files/jchs_2016_state_of_the_nations_housing_lowres.pdf

⁴⁸ Ibid.

⁴⁹ "Cost-Burdened Households." *Minnesota Compass*. <http://www.mncompass.org/housing/cost-burdened-households#1-6930-g>

⁵⁰ Ibid.

⁵¹ "Affirmatively Furthering Fair Housing" *U.S. Department of Housing and Urban Development*, www.huduser.gov/portal/affht_pt.html

⁵² Chappell, Bill. "In Fair Housing Act Case, Supreme Court Backs 'Disparate Impact' Claims." *National Public Radio*. 25 June 2015, <http://www.npr.org/sections/thetwo-way/2015/06/25/417433460/in-fair-housing-act-case-supreme-court-backs-disparate-impact-claims>

⁵³ Gaines, Joshua. "HUD Limits Housing Exclusion Based on Criminal History." *Collateral Consequences Resource Center*. 7 Dec. 2016. <http://ccresourcecenter.org/2016/04/06/hud-limits-housing-exclusion-based-on-criminal-history/>

Life, Security of Person, & Access to Justice

- ¹ Hurst Hannum, *The Status of the Universal Declaration of Human Rights in National and International Law*, 25 Ga. J. Int'l & Comp. L. 287 (1996). <http://digitalcommons.law.uga.edu/gjicl/vol25/iss1/13>
- ² "What is the Universal Declaration of Human Rights?" *Australian Human Rights Commission*, <https://www.humanrights.gov.au/publications/what-universal-declaration-human-rights>. and "Human Rights Law." *The United Nations*, www.un.org/en/sections/universal-declaration/human-rights-law/
- ³ The United Nations. *Universal Declaration of Human Rights*. 1948, www.refworld.org/docid/3ae6b3712c.html
- ⁴ Ibid.
- ⁵ Note that these UN Committees have adopted general comments which provide authoritative guidance on the covenants' and conventions' provisions. We have not outlined those general comments here and instead, opted to simply provide the text of the treaty.
- ⁶ The United Nations General Assembly. "International Covenant on Civil and Political Rights." *Treaty Series* 999 (1966): 171. www.refworld.org/docid/3ae6b3aa0.html
- ⁷ The United Nations General Assembly. "International Convention on the Elimination of All Forms of Racial Discrimination." *Treaty Series* 660 (1965): 195. www.refworld.org/docid/3ae6b3940.html
- ⁸ UN General Assembly, *Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, 10 December 1984, United Nations, Treaty Series, vol. 1465, p. 85, <http://www.refworld.org/docid/3ae6b3a94.html>
- ⁹ Curtis A. Bradley & Jack L. Goldsmith, *Treaties, Human Rights, and Conditional Consent*, 149 U. Pa. L. Rev. 399 (2000). <http://nrs.harvard.edu/urn>
- ¹⁰ "State and Local Implementation of Human Rights." *Columbia Law School Human Rights Institute*, <http://web.law.columbia.edu/human-rights-institute/human-rights-us/state-and-local-implementation>
- ¹¹ The United Nations General Assembly. "International Covenant on Civil and Political Rights." *Treaty Series* 999 (1966): 171. www.refworld.org/docid/3ae6b3aa0.html
- ¹² "End the Cycle of Violence," *Amnesty International USA*, <http://www.amnestyusa.org/our-work/issues/women-s-rights/violence-against-women>.
- ¹³ "End Capital Punishment," *Amnesty International*, <http://www.amnestyusa.org/our-work/campaigns/abolish-the-death-penalty>
- and "Alternatives to the Death Penalty," *Citizens United for Alternatives to Death Penalty*, accessed December 3, 2015, <http://www.cuadp.org/>.
- ¹⁴ *Hands Up United*, <http://www.handsupunited.org/>
- ¹⁵ "End Broken Windows Policing," *Campaign Zero*, <http://www.joincampaignzero.org/brokenwindows>. and "LGBTQ Youth in the System," *Correctional Association of NY*, <http://www.correctionalassociation.org/issue/lgbtq>. and Sarah Barr, "Report: NYC Criminal Justice System Needs to Reform How It Treats LGBTQ Youth," *Juvenile Justice Information Exchange*, September 29, 2015, <http://jjiie.org/report-nyc-criminal-justice-system-needs-to-reform-how-it-treats-lgbtq-youth/> and "Lesbian, Gay, Bisexual and Transgender Youth in the Juvenile Justice System," *Annie E. Casey Foundation*, <http://www.aecf.org/resources/lesbian-gay-bisexual-and-transgender-youth-in-the-juvenile-justice-system/>
- ¹⁶ "End Broken Windows Policing," *Campaign Zero*, <http://www.joincampaignzero.org/brokenwindows>. and "LGBTQ Youth in the System," *Correctional Association of NY*, <http://www.correctionalassociation.org/issue/lgbtq>. and Sarah Barr, "Report: NYC Criminal Justice System Needs to Reform How It Treats LGBTQ Youth," *Juvenile Justice Information Exchange*, September 29, 2015, <http://jjiie.org/report-nyc-criminal-justice-system-needs-to-reform-how-it-treats-lgbtq-youth/>. and "Lesbian, Gay, Bisexual and Transgender Youth in the Juvenile Justice System," *Annie E. Casey Foundation*, <http://www.aecf.org/resources/lesbian-gay-bisexual-and-transgender-youth-in-the-juvenile-justice-system/>
- ¹⁷ "Sentencing Policy," *Justice Strategies*, accessed <http://www.justicestrategies.org/issues/sentencing-policy?page=2>. and "Urge Congress to End Mandatory Minimum Sentences," *The Sentencing Project*, February 1, 2013, http://sentencingproject.org/detail/advocacy_material.cfm?advocacy_material_id=116&id=105 and "Excessive Sentences," *Equal Justice Initiative*, <http://www.eji.org/prisons/excessivesentences>.
- ¹⁸ "Indigent Defense," *ACLU*, <https://www.aclu.org/issues/criminal-law-reform/effective-counsel/indigent-defense>.
- ¹⁹ "Guideline Sentence Recommendations – Economic Sanctions," *The Pennsylvania Code*, <http://www.pacode.com/secure/data/204/chapter3/03/s303.14.html>
- ²⁰ "Counsel for the Poor," *Equal Justice Initiative*, <http://www.eji.org/raceandpoverty/counsel> and "End For-Profit Policing," *Campaign Zero*, <http://www.joincampaignzero.org/end-policing-for-profit> and "LGBTQ Youth in the System," *Correctional Association of NY*, <http://www.correctionalassociation.org/issue/lgbtq>

-
- ²¹ "What is the Pic? What is Abolition?" *Critical Resistance*, <http://criticalresistance.org/about/not-so-common-language/> and Angela Y. Davis, *Are Prisons Obsolete?* (New York, NY: Seven Stories Press, 2003). <http://www.feministes-radicales.org/wp-content/uploads/2010/11/Angela-Davis-Are-Prisons-Obsolete.pdf>
- ²² "Amnesty International Report 2014/2015: The State of the World's Human Rights," *Amnesty International*, February 25, 2015, <https://www.amnesty.org/en/documents/pol10/001/2015/en/> and "Solitary Confinement," *ACLU*, <https://www.aclu.org/issues/prisoners-rights/solitary-confinement> and "Mass Incarceration," *Center for Constitutional Rights*, <http://ccrjustice.org/home/what-we-do/issues/mass-incarceration> and "Use of Solitary Confinement is Reduced in California," *Equal Justice Initiative*, September 8, 2015, <http://www.eji.org/node/1144>
- ²³ "UN Special Rapporteurs." *United Nations News Centre*, www.un.org/apps/news/html/SpecialRapporteur.asp.
- ²⁴ UN Committee on the Elimination of Racial Discrimination. *CERD Follow-Up Letter Sent to State Party (United States)* 24 May 2016, <http://www.ushrnetwork.org/resources-media/cerd-follow-letter-sent-state-party-united-states-may-24-2016>
- ²⁵ UN Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association. *Statement by the United Nations Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association at the Conclusion of his Visit to the United States of America*. Washington: 27 July 2016. www.freeassembly.net/news/usa-statement/
- ²⁶ UN Human Rights Council, *Report of the Working Group of Experts on People of African Descent on its mission to the United States of America*, 18 Aug. 2016, A/HRC/33/61, www.refworld.org/docid/5226e2be4.html
- ²⁷ Ibid.
- ²⁸ UN General Assembly, *Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, 10 December 1984, United Nations, Treaty Series, vol. 1465, p. 85, <http://www.refworld.org/docid/3ae6b3a94.html>
- ²⁹ Ibid.
- ³⁰ UN Committee on the Elimination of Racial Discrimination (CERD), *Concluding observations on the combined seventh to ninth periodic reports of the United States of America*, 25 Sept. 2014, CERD/C/USA/CO/7-9, www.state.gov/documents/organization/235644.pdf
- ³¹ Levin, Sam. "Dakota Access Pipeline: Native Americans Allege Cruel Treatment." *The Guardian*, 30 Oct. 2016, <https://www.theguardian.com/us-news/2016/oct/29/dakota-access-pipeline-native-american-protesters>.
- ³² Ibid.
- ³³ Wong, Julie Carrie. "Dakota Access Pipeline: 300 Protesters Injured after Police Use Water Cannons." *The Guardian*, 21 Nov. 2016, <https://www.theguardian.com/us-news/2016/nov/21/dakota-access-pipeline-water-cannon-police-standing-rock-protest>
- ³⁴ "Water Cannons Fact Sheet." *ACLU*, <https://www.aclu.org/fact-sheet/water-cannons-fact-sheet>
- ³⁵ UN Division of Social Policy and Development Indigenous Peoples. *Statement by Mr. Álvaro Pop Ac, Chair of the Permanent Forum on Indigenous Issues, and Dr. Dalee Dorough and Chief Edward John, Expert Members of the Permanent Forum on Indigenous Issues, on the escalating violence against unarmed protestors at the Dakota Access Pipeline construction site (North Dakota, USA)*. 22 Nov. 2016. <https://www.un.org/development/desa/indigenous-peoples/news/2016/11/statement-from-the-chair-and-pfii-members-dalee-dorough-and-chief-edward-john-on-the-dakota-access-pipeline-2>
- ³⁶ Ibid.
- ³⁷ US Human Rights Network. *Advancing Human Rights, A Status Report on Human Rights in the United States*. (2014), http://www.ushrnetwork.org/sites/ushrnetwork.org/files/2014_ushrn_hr_report.pdf
- ³⁸ Norton, Ben. "FBI, Homeland Security Sued for Records on Surveillance of Black Lives Matter Activists." *Salon* 20 Oct. 2016. <http://www.salon.com/2016/10/20/fbi-homeland-security-sued-for-records-on-surveillance-of-black-lives-matter-activists/>
- ³⁹ Joseph, George. "Exclusive: Feds Regularly Monitored Black Lives Matter Since Ferguson." *The Intercept*. 24 July 2015, <https://theintercept.com/2015/07/24/documents-show-department-homeland-security-monitoring-black-lives-matter-since-ferguson/>.
- ⁴⁰ UN Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association. *Statement by the United Nations Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association at the Conclusion of his Visit to the United States of America*. Washington: 27 July 2016. www.freeassembly.net/news/usa-statement/
- ⁴¹ Timmons, Heather. "Make America Hate Again: A Rash of Racist Attacks Have Broken Out In the US After Donald Trump's Victory." *Quartz*. 10 Nov. 2016, <http://qz.com/833607/us-election-a-rash-of-racist-attacks-have-broken-out-in-the-us-after-donald-trumps-victory/>

-
- ⁴² Lichtblau, Eric. "Hate Crimes Against American Muslims Most Since Post-9/11 Era." *The New York Times*. 17 Sept. 2016.
<http://www.nytimes.com/2016/09/18/us/politics/hate-crimes-american-muslims-rise.html>
- ⁴³ Nashrulla, Tasneem. "Here Are 28 Reported Racist And Violent Incidents After Donald Trump's Victory." 15 Nov. 2016,
<https://www.buzzfeed.com/tasneemnashrulla/racist-incidents-after-trumps-victory>
- ⁴⁴ RAINN. *Statistics*. www.rainn.org/statistics
- ⁴⁵ RAINN. *Victims of Sexual Violence*.
<https://www.rainn.org/statistics/victims-sexual-violence>
- ⁴⁶ Ibid.
- ⁴⁷ "Gun Violence Archive." *Gun Violence Archive* 2016.
<http://www.gunviolencearchive.org/>
- ⁴⁸ "Key Gun Violence Statistics." Brady Campaign to Prevent Gun Violence.
<http://www.bradycampaign.org/key-gun-violence-statistics>
- ⁴⁹ Jones, Julia and Eve Bower. "American deaths in Terrorism vs. Gun Violence in One Graph." *CNN*. 30 Dec. 2015, <http://www.cnn.com/2015/10/02/us/oregon-shooting-terrorism-gun-violence/>
- ⁵⁰ Rott, Nathan and Jeff Landa. "After Mass Shootings, Action On Gun Legislation Soars At State Level." *National Public Radio*,
<http://www.npr.org/2016/07/12/485726439/mass-shootings-influence-spike-in-gun-related-laws-at-state-level>
- ⁵¹ "The Counted: People Killed by Police in the US." *The Guardian*. <https://www.theguardian.com/us-news/ng-interactive/2015/jun/01/the-counted-police-killings-us-database>.
- ⁵² "Police have killed at least 263 black people in the U.S. in 2016." *Mapping Police Violence*.
<http://mappingpoliceviolence.org/>
- ⁵³ UN Human Rights Council, *Report of the Working Group of Experts on People of African Descent on its mission to the United States of America*, 18 Aug. 2016, A/HRC/33/61, www.refworld.org/docid/5226e2be4.html
- ⁵⁴ UN Human Rights Council, *Report of the Working Group of Experts on People of African Descent on its mission to the United States of America*, 18 Aug. 2016, A/HRC/33/61, www.refworld.org/docid/5226e2be4.html
- ⁵⁵ Drug Policy Alliance. *The Drug War, Mass Incarceration and Race*. Feb. 2016,
http://www.drugpolicy.org/sites/default/files/DPA_Fact_Sheet_Drug_War_Mass_Incarceration_and_Race_%28Feb.2016%29.pdf
-
- ⁵⁶ "Immigration Detention Map & Statistics." *Civic Isolation*.<http://www.endisolation.org/resources/immigration-detention/>
- ⁵⁷ "US: Deaths in Immigration Detention Newly Released Records Suggest Dangerous Lapses in Medical Care." *Human Rights Watch*.
<https://www.hrw.org/news/2016/07/07/us-deaths-immigration-detention>
- ⁵⁸ Zapotosky, Matt and Chico Harlan. "Justice Department Says it Will End Use Of Private Prisons." *The Washington Post*. 18 Aug. 2016,
<https://www.washingtonpost.com/news/post-nation/wp/2016/08/18/justice-department-says-it-will-end-use-of-private-prisons>
- ⁵⁹ Bekiempis, Victoria. "Many U.S. Prisoners End Up In Restrictive Housing." *Newsweek*. 23 Oct. 2015,
<http://www.newsweek.com/prison-jail-population-solitary-confinement-bureau-justice-statistics-386439>
- ⁶⁰ Shear, Michael. "Obama Bans Solitary Confinement of Juveniles in Federal Prisons." *The New York Times*. 25 Jan 2016,
<http://www.nytimes.com/2016/01/26/us/politics/obama-bans-solitary-confinement-of-juveniles-in-federal-prisons.html>
- ⁶¹ Ford, Matt. "New York's 'Historic Agreement' on Solitary Confinement." *The Atlantic*. 17 Dec. 2015,
<http://www.theatlantic.com/politics/archive/2015/12/new-york-solitary-confinement/420831/>
and "Immigration Detention Map & Statistics." *Civic Isolation*.
<http://www.endisolation.org/resources/immigration-detention/>
- ⁶³ Physicians for Human Rights. *Submission, United Nations Committee Against Torture, Using Science and Medicine to Stop Human Rights Violations*. 27 June. 2016
http://tbinternet.ohchr.org/Treaties/CAT/SharedDocuments/USA/INT_CAT_ICJ_USA_24561_E.pdf
- ⁶⁴ Chokshi, Niraj. "Death Penalty Loses Majority Support for First Time in 45 Years." *The New York Times*. 3 Oct. 2016,
<http://www.nytimes.com/2016/10/04/us/death-penalty-loses-majority-support-for-first-time-in-45-years.html>
- ⁶⁵ "Statement of the National Coalition to Abolish the Death Penalty in Response to New Poll." *National Coalition To Abolish The Death Penalty*,
www.ncadp.org/blog/entry/statement-of-the-national-coalition-to-abolish-the-death-penalty-in-response
- ⁶⁶ "Deterrence: States Without the Death Penalty Have Had Consistently Lower Murder Rates." *Death Penalty Information Center*,
<http://www.deathpenaltyinfo.org/deterrence-states-without-death-penalty-have-had-consistently-lower-murder-rates>.